

Frederick H. Torp

SR 1253, Oral History, by Brian Booth

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THE OREGON
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TORP: Frederick H. Torp

BB: Brian Booth

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Frederick Torp was admitted to the bar in New York in 1938 and in Oregon in 1946. Brian Booth was admitted to the bar in Oregon in 1962, and practiced with Mr. Torp in the firm now known as Stoel Rives LLP from 1962 to 1974 and with Tonkon Torp LLP from its founding in 1974.

Tape 1, Side 1

1998 December 28

BB: It is December 28, 1998. I am going to have a conversation with Frederick H. Torp for the U.S. District Court of Oregon Historical Society Oral History Project. I am sitting in Fred Torp's office on the 16th Floor of Pioneer Tower, in the offices of the Tonkon Torp law firm, of which he was one of the founders.

Fred, Good Morning.

TORP: Good Morning, Brian.

BB: Do you want to tell us your full name and where you were born?

TORP: Well, I will start at the very beginning. I was born on September 25, 1913 in Allendale, New Jersey. That's a very important city because it was the home town of J. Parnell

Thomas, who was the only congressman who ever went to jail for having phonies on his payroll.

In any event, at the time of my birth, my family — my mother and father -were living in what had been an old farm house on a pretty good size piece of property. My father was a naturalized Norwegian who had gone to sea as a boy on sailing ships and ended up at the University of Edinburgh studying architecture. He came to New York City and was a chief designer for Walker & Gillette, a very well-known architectural firm. His name was Odd Halfdane Torp, which is a very normal Norwegian name. He married my mother who was Laurene Louise Davids, who was of Scotch-Irish derivation, living in Green Point in Brooklyn. Green Point at that time was the place to live if you were an Aryan. How they met I do not know, although they seemed to be quite compatible.

About the time of my birth, the U.S. was getting into anti-German hysteria because we could feel the World War coming on. My mother, being true-blue American, was very concerned about my father having a Teutonic-sounding name, so she ended up calling him "Hal," which he bore with equanimity. He was an interesting man. He used the professional signature, "O.H. Torp," which appears upon his paintings.

I do not know how many years we lived in Allendale. I have a recollection of living in Brooklyn for several years when I was 8 or 10.

Thereafter, we moved to Hillsdale, New Jersey, then a small town on the Erie Railroad in the northern part of the state above the George Washington Bridge. In Hillsdale, my father developed a livable space for our family (my sister was born two years after me) from an old church parish hall, a big [bam] of a place. He proceeded to remodel the interior into very comfortable rooms. A hideous looking place on the outside, but inside it was quite comfortable. Later on, he designed and built a more modern house from the ground up, also in Hillsdale. After my graduation from the grammar school in Hillsdale, I went to high school in Park Ridge, New Jersey, which is about four miles north of Hillsdale. This was sort of a cow-town high school, with no particular mark of distinction except for the fact that I was a graduate, of course.

One thing I do remember about high school is that I had an English teacher whose name was [Aloyisius Havorila?]. On the weekends he was the radio voice of the Metropolitan Opera Company. He had a very cultured voice, and I thought so much of him that I became an amateur opera buff.

In later years, after I graduated from high school in 1930, I went to Columbia College in New York City. Living in New York City both in college for four years and law school for three years, I was able to get down to the Metropolitan Opera quite frequently, and for 25 cents I could stand up in the second balcony and see anything I wanted. I had the courage to even stand up for all of the "Nibelungen," which is quite a lot of standing.

College was not a particularly pleasant time in my life because by that time, in the first place, the architectural profession had gone all to hell. My father had no work anymore after working with millionaires for years designing their townhouses. He had no revenue except from a WPA project measuring historical buildings. This was very frustrating to him. But he managed to get enough money up to pay my initial deposit on my admission to college, but after that I was pretty much on my own.

I had to provide the funds to cover my living and my tuition. I worked in a college dining hall to cover the food bill, and having at an early age in high school taken up a musical instrument, the clarinet, I played with a dance band in college and law school. I did a lot of work as a professional musician in New York City. I belonged to Union Local 802, and I played very often with bands of similar amateurs but more frequently with professional musicians who tolerated me, because I wasn't very good, really. But among my accomplishments in those seven years, at one time I played with a band which was called "Rudy Vallee's Original Connecticut Yankees." He had three of them that time, of course, but this was one of the three. I remember Alice Faye coming and singing in front of me, and I was sort of drooling at that. I also played with Herman Feldman, who became "Shep Fields and His Rippling Rhythms."

BB: Didn't you play on cruise ships too?

TORP: In summers and school vacations I went quite frequently on cruise ships out of New York City. In the course of that I went to Bermuda 28 times. I remember that [Laughs], an accomplishment. But I also took cruises to Britain and France and into the Baltic Sea and Russia. I remember very well in, I think about September of 1933, I was playing on a Cunard liner. We had a stop in Leningrad, which it was then called, and our relations with Russia in that time were off and on. When they booked the cruise, we were best of friends with the Russians. Of course, they would take care of all the passengers. But when we docked in Leningrad, we weren't speaking to the Russians, so the edict from the Russians was that no capitalist passengers could go ashore but it was permissible for members of the crew to go ashore. Because I was working on the ship, I was a fellow worker so I was entitled to go ashore. I still remember walking off the ship to the dock with all the passengers lining the rail who had paid through the nose for this cruise looking at us walking down and being escorted by Intourist and taken on buses and trains. We went down to Moscow and back. Then when we came back the passengers were still standing up waiting. That was truly a horrible experience for those paying passengers.

In any event, one of the results of my working as hard as I had was that in some weeks I would be up until 2 or 3 in the morning playing a job maybe four or five nights a week and that really made it very difficult to become a Rhodes scholar, which I never did. I got through college and actually during the Depression years, I was making \$180 a week. Lots of people who had jobs couldn't make that. So, I survived college, and then I decided I wanted to go to law school. I think that came about because my father wanted me to be an architect as he was. He taught me all about perspective and using a T-square, but even with all the aids in the world, I couldn't draw a straight line to save my neck. So, we decided jointly to do something else, and I went to law school without any real idea as to why, but again I worked hard in law school.

BB: Could you comment on some of the personalities on the faculty or student body in your class? That was a pretty important time at Columbia Law School, I imagine.

TORP: In my college class was a man named [Herman Wouk?] who was at the same end of the alphabet as I was, which is how you separated yourself into groups, and he was at that time on the school paper and writing quite well. So, I knew him well. Jumping ahead to when next I saw Herman, we'll go to my naval service when my ship, which was at that time a large aircraft carrier, was in port in Guam and an LST came alongside to fuel. The captain of the LST was my college classmate, [Herman Wouk?]. So, I went down to his cabin and we fraternized a bit and recalled the old days. Before he left, he said, "I'm starting to put together a novel about my naval experiences and when I get out, I think I will need a little eating money and I'm urging people to take a piece of the book and help me have some dollars to survive." I was too smart for that. Not me! That was the "Caine Mutiny" that I walked away from.

In law school, I developed, became close friends of Walter Davis, who is now practicing in Millerton, New York; Hugh Fitzgerald who was a partner of Coudert Brothers; he's dead; Walter Hooper who practiced in Nashville, Tennessee. He is deceased. Bob Stevens who was with a large Cleveland firm (Isham, Lincoln and Beale). He's still around. I've skipped ahead here — in 1942 when I had just entered the Navy, I married Elise Arneson — a lovely lady — I think it was just the uniform that made her break down and marry me, but in any event, it worked out very well. We had three children over the years. She died in [1958]. Cancer got to her. After that, I was alone for six or seven years.

In the course of that, I went to a Columbia College reunion, which one it was, I'd use my fingers to count, but in any event the class was meeting at Harriman House which is a large estate in Harriman, New York. And in my class were quite a few, very pleasant, Jewish men who had married very lovely Jewish ladies. Many of whom I knew and were still in college. And nothing gets a well-educated Jewish lady more excited than the prospect of having an eligible bachelor, and they were going to get him married one way or another [Laughs]. The end result was I ended up getting more communications and calls from ladies on the west coast, all of whom had very obviously Jewish names, were pleasant. Other than the fact, I had a great expression of interest in life [Laughs] in my future, but it didn't develop into anything

When I graduated from law school in 1937, I went to work toward the end of the year for [Jacob Mertens?], who was a partner in a firm known as Davies, Auerbach & Cornell at One Wall Street, New York City, and I worked for the firm under [Jack Mertens?]. My first chore for a year and a half or two years was to act as editor of the annual supplement for his well-known book called the Law of Federal Income Taxation. I worked on the 1939 supplement, bringing it up to date. I had a staff of three other young lawyers working under me. In view of the fact that I didn't know a thing about taxes, I think it was quite a responsibility.

But it was an interesting phenomenon because what he had done was to hire somebody to take his previous work and divide it up into sentences. Each sentence went on a card. So, you had to look at each sentence and make sure that if it needed to be brought up to date you would throw in a case or footnote. So, we started out then with a room full of these trays with small cards in them. I never before read a volume sentence by sentence. It's really very good experience.

BB: Was that your full-time job at the firm?

TORP: At that time, yes. When that thing went to the press, I worked with [Jack Mertens?] in the firm. He was doing primarily a tax practice, and I enjoyed that very much. It was a good firm. It had some well-known lawyers in it who I have talked to several times over the years.

In any event, in 1941 in December when the Japanese hit Pearl Harbor, it obviously became necessary for young men to make a decision as to where their future was to be. I had a very good lawyer friend who had already signed up with the Judge Advocate General's in the Navy. He told me that in signed up with the Navy, I would get JAG also, and so instead of going to One Wall Street I would go to 90 Church Street right across the street. So, I went down to the Navy and signed up. I was taken in as an ensign in 1942, and I never saw 90 Church Street at all. Before I knew it, the Japanese were shooting at me. I was a peace-loving man, and I didn't like that particularly.

My naval service I started out by attending an enlisted man's school in Norton Heights, Connecticut for 30 days to learn code machines and typewriting and message procedures. This was to qualify me as a communications officer. Then I went to San Francisco to put into commission the USS Reno, which was an anti-aircraft light cruiser. Very fine ship. That was my first exposure to the regular Navy. We were commanded by a captain and had a full commander as executive officer. It was a learning experience. Because of the fact that I was a lawyer, anytime we had a court martial, I was elected to do something with the court martial. The first one I remember involved the court martial of a young seaman, second class, who was an electrician's mate second. He was held responsible for not throwing a switch which would have cut off an electric circuit which killed a man down at the bottom of the ship. He had no notion that there was any danger, so it was just a typical military service move to hang it on somebody who really couldn't defend himself. So, I looked into the court martial manual, which to my surprise said that the chain of command applied so that the highest officer in the chain of command had responsibility for everything to his department. So, I tell the engineering officer — he's a lieutenant commander, a naval man — I'll subpoena him. But he said that the executive officer was ahead of him. So, I said I'll subpoena him too then. Then the executive officer said that the captain was his superior. So, I subpoenaed all three of them. Regular navy officers. Boy, you talk about it hitting the fan in a hurry. The captain called me in and said, "Torp, you don't understand, you don't do this type of thing." And I said, "Captain, I was told to defend this man and the only defense that he really has is that if anybody was at fault, it was not him." So, I've got to proceed to get statements from all of you." The captain said, "Well, dismiss the damn thing. Let him off the hook."

BB: Your first victory.

TORP: Yeah, my first victory at sea. Well, I'm sure that didn't earn me a good fitness report at which I was not surprised at. Well, the Reno was torpedoed off Samar in the Philippines in late 1944. It didn't go down, but our ship started to take water and we had to take

everybody off. The torpedo had gone right through the living quarters of my division where my enlisted men were. I had some of the finest young men I'd ever known who never made it past that torpedo. In any event, we took everybody surviving off the ship with life jackets, holding onto a rope trying to stay together. I was in the water 10 hours before I was picked up. By that time, I didn't think very much of my naval experiences. I ended up being picked up by a destroyer off the Philippines. The destroyer dropped me off in Eniwetok where we had a naval base. I had visions of going home to see my daughter who had been born and who I hadn't seen yet, but instead I was assigned to the communications officer's spot on the USS Intrepid, which was a large aircraft carrier. The Intrepid manual required that the communications officer be a full commander. I was only a lieutenant. By God they had to move me into that officer's cabin. I had a marine orderly sitting out there. I would tell the kid to go on and get some sack time. "I don't need an orderly." "But, oh sir, I'm assigned to sit here." What a waste of time that was.

Again, the enlisted men that I had in the C Division, which included all communications and the combat information center, were all so intelligent and so hard working that I was really proud to be associated with them. And my contribution to the success of the Intrepid was that I stood on the bridge with the captain or the commodore whoever was in charge then and when they didn't understand something they wanted to dash down and start chewing on some poor enlisted man. I would say, let me tell you about the problem, and I would discuss the Kennelly Heaviside layer or some other electronic matter until I kept them away from the poor enlisted men that were doing the job.

Among my memories of my naval career was that we were in Tokyo Bay right alongside of the Missouri when the Japanese surrendered. Actually, through our glasses we were able to see the whole thing. It just amazed me that while the ships at sea during combat, did not have the very fancy barges that admirals normally had. When we got into Tokyo Bay, within five days we must have had 30 or 40 admirals' barges there. Where they came from, I don't know, but they got there in a hurry. I have a fond memory of going ashore to the officer's club in Yokosuka, Japan with our skipper who was a commodore. That's a rank between a captain and an admiral. He was really a mean rascal. Coming back

from the officer's club, he was leaning over the fantail urinating and he almost fell off. So, I grabbed him and pulled him back and he said to me something that even today reminds me of the Navy. "What did you do that for, Torp? I wouldn't have saved you." Thank you, commodore.

BB: Weren't you also teaching for a while at Harvard Law School?

TORP: After my assignment to the Reno, it became obvious we weren't going to go to sea right away. I was then assigned to Harvard to help set up a six months' course training communications officers. I was back there for about three months and did that together with other young ensigns who were similarly assigned to the staff. None of us had any idea of what we were supposed to be doing, but we got some books and read them and put together a program that generated some pretty good communications officers. Among my students at Harvard was Oswald Jacoby, the bridge player, and Orin Tucker, who had a dance band in Chicago with Wee Bonnie Baker as the singer.

That war was so different from Vietnam. People wanted to do a good job, and everybody was dedicated. After three months at Harvard, I was then transferred to Cornell, where I had the same chore of putting together a program. I was at Cornell about three months until I went back to the Reno. It was interesting that the communications school, both at Harvard and Cornell, were in the law school buildings because there were so few people that went to law school. Elise, my wife, used to spend some time reading law to some of the blind students who were the only ones attending law school at that time.

Well, I know I'm skipping around a lot.

BB: That's okay. After the surrender in Tokyo Bay, did you get out of the service pretty soon?

TORP: That's a story in itself because I was assigned the title of communications officer in Tokyo Bay for all the ships in the Navy there. So, I kept seeing these cables come through

from the Bureau of Naval Personnel sending so and so to San Francisco, somebody else to Seattle to be discharged, but nothing for me. So, I dummied up one sending me to Seattle. Logged it and went off to Seattle. I got out.

BB: [Laughs] If you had waited a little longer you might have become an admiral.

TORP: Well I came through Seattle

BB: Why did you pick Seattle?

TORP: Well, because you had the choice between Seattle and San Francisco. And by that time my wife and daughter was in Lake Oswego, south of Portland. So, I came through Seattle and I interviewed with some law firms up there and I was offered a couple of jobs. Confirmed it. So, I came to Portland and after greeting my daughter, my wife and I decided I would look around Portland. The more I looked the better I liked the ambiance.

I went back to New York to say goodbye to my former associates there. The senior partners my firm took me into the library, and closed the door, wanted me to think carefully about the horrible mistake I was making by not coming back to Wall Street. [BB laughs] They appreciated the fact that I was probably shell shocked and the big guns were affecting my mentality. I was told to stop and hold it before you make one mistake. I said, I think I will make the same mistake anyway. So, I appreciate your – but goodbye.

BB: Elise was from Oregon?

TORP: Well, Elise's father had a flavor pack sales agency, [Robert Arneson?] sales agency. Elise had gone to Columbia library school. That's where I met her.

BB: That's where you met?

TORP: That's right, yes. But during the war she came back, her parents had moved to Lake Oswego. She was with them when my daughter was born.

Well, I had several offers in Portland. I liked McCulloch very much, he was the number one tax man in town. And I interviewed there.

BB: That being the Hart Spencer McCulloch...

TORP: Yes. That was Hart Spencer McCulloch. That name has changed so many times.

BB: It's now the Stoel Rives?

TORP: That's correct. Well, I was told that there's probably no spot for me at the Hart Spencer firm. I was trying to make up my mind whether I would go anywhere else or not. When the late [Paul Boley?], who was one of the up and coming partners, decided By God he wanted me on that team. He got the partners together and called me back. I accepted the offer. Had some very pleasant years with that firm.

BB: Would that be 1946...

TORP: I came to Oregon in December of 1945, so I think I went to work there in probably February or March of 1946.

BB: Did you have to take the Bar exam?

TORP: No. At that time the Oregon Supreme Court rules permitted you to be admitted on motion without taking an exam if you had practiced in another jurisdiction for five years, and you could credit military service as being the practice of law, so I had the five years. Hugh Biggs took me down to the Supreme Court and had me sworn in. I became a member of the Oregon bar in spring or summer of 1946.

BB: What was that firm like I mean today it has several hundred lawyers. What was it like right after World War II?

TORP: I think when I joined it the firm had a total of 25 lawyers, including [Paul Boley?] and Manley Strayer. Tom Stoel was off in the service. I think when I went to work, they were still away. So, I think at the time there were eighteen or twenty lawyers. It grew over the years, and I think my generation contributed somewhat to the growth of the firm and the happiness of its clients.¹

BB: Can you talk about your practice at the firm?

TORP: Well, I primarily was a business lawyer. I became interested not only in tax practice, but also in corporation law, and I got quite a lot into antitrust law. I had developed well rounded commercial business practice and I was quite close to quite a few clients. So all and all it was a very pleasant life until a conflict appeared. This I think probably began in 1973. I was working with a very close friend of mine, a man by the name of [Louis Courtemanche?], who was a client of the office. — Used their little finance company to take over the Oregon Bank, which was an old Oregon banking institution.

¹ Over my years in the Hart firm (1945 to 1974), I had many younger lawyers working with or for me. Despite the fact that I appeared to be a harsh taskmaster, they all remained my friends and were successful elsewhere. I would like to make a partial list of such lawyers:

- Geoffrey Hazard. He left to join the ABA in Chicago, and went on to be a professor or dean in several of the nation's leading law schools. He is now regarded as the nation's high priest of legal ethics and is currently quoted in many news stories.
- Doug Kilbourne. He left to practice in New England. He became a full professor of taxation at Boston University Law School. Doug came to Portland some years ago to lecture at a bar CLE. I had lunch with him then and shared memories with the professor.
- Louis Schulz. He left for a small city practice. He became the leading lawyer in Grants Pass, Oregon. I believe he was elected mayor of Grants Pass some years ago.
- "Skeeter" Minick. He left to become a political bureaucrat in Washington, D.C. as the head man in the nation's war against drugs. I visited with him in the Executive White House Building. He left to become a business executive and has been for many years the head man at Trus Joist Corporation.
- Don Hodel. He left for the political front. He became the head man at Bonneville Power Administration and thereafter Secretary of the Interior. He is still quoted as a national expert on environmental matters.
- Dee O'Scanlain. Left for a more politically active firm and is now a judge in the United States Court of Appeals for the Ninth Circuit.
- Jack Beatty. Left for a more politically active firm. Became a Judge of the Circuit Court of the State of Oregon for Multnomah County, from which office he served with distinction until his retirement.

BB: That take over occurred in 1968 or 1969, in there didn't it? When the bank holding company act was changed and you created Orbanco?

TORP: That's right. [I believe that Orbanco was the first bank holding company on the west coast.] Well, the Hart firm also represented the United States National Banks and their offices determined that they just couldn't have a law firm which was representing two competing banks, even though different lawyers were doing all the work. It became increasingly unpleasant for the firm to be criticized by one of its principal clients for having another banking client. It was a strange Development.

First, the complaint was my signature appeared on the stock certificates for the holding company Orbanco, [then a publicly held company trading over the NASDAQ national market] which acquired Oregon Bank. That was very offensive to them that any lawyer that they had anything to do with once, signed somebody else's stock certificates. Which was a specious argument, because I can't believe anybody ever looks at who signs stock certificates. I even solved that problem by getting hold of a lawyer named, Terry Baker, who had worked for me at Hart Spencer [firm], who was with Moe Tonkon, who also a good friend of mine. I persuaded Terry to take on the title of Secretary of Orbanco, which he did.

So, he signed the stock certificates and that took care of that one for a while. Finally, the U.S. Bank told our firm they had to decide which client they wanted to stay with so, we had a poll in the firm, and they decided, and I can't blame them for it, as far as the dollars are concerned, that they would stay with U.S. Bank and I would send Oregon Bank [and Orbanco] elsewhere. I was not about to desert my good client or his company, so I decided the thing for me to do was to leave and take the client with me. It was amazing how that fact became known in the little city of Portland, because I had overtures from every large law firm in town, other than Hart Spencer, about signing up with them. I talked with the late Moe Tonkon, who I had known for years, and was a man whose judgement I trusted, about my problem as to where should I go and which of these firms I really wanted to affiliate with. I didn't want to be a small dog in a big pen.

In the course of conversation with Moe, who then had himself, [Morrie Galen?], and Terry Baker, as his only lawyers, asked "Do you have a nucleolus who will be coming with you?" I said, "I think I have," I've talked to quite a few people and I can count upon five very able lawyers wanting to come along. So Moe said "Well why don't we join your organization with ours and start a firm?" The first problem was that Moe had very limited office space [in the Public Service Building (PP&L's office building)] and I didn't know where else to go. And he was a good friend of [Glen Jackson?], who was the chairman of Pacific Power and Light. Mo's office was in the Pacific Power and Light building, so we ended up with the good third of a floor, through the curtesy of the Chairman of the Board, himself. That's where I ended up with my good partners, Brian Booth, [Ken Stephens?], and Don Marmaduke [who had been with us many years before at the Hart firm] and whom I always thought very highly of. As associates we had [Mike Morgan?] and [Jon Nickle?], who also came along with me [from the Hart firm]. I have always felt very deeply that I thought those men that have jumped of the cliff with me [in 1974] were among the bravest me I'd ever known [Laughs]. Fortunately, it turned out to be an economic deprivation involved in organizing this firm [which started officially on September 1, 1974].

[I served as counsel to and director of Orbanco Financial Services Corporation, The Oregon Bank and Northwest Acceptance Corporation until they were sold in the late 1980s.]

BB: I think your being awfully modest as usual about your contribution at Hart Spencer. You might just mention some of you clients and the work you did for example; Miller Lumber, Stimpson Lumber, Omark, and U.S. Bank.

TORP: Well its true. I did become counsel for Harold Miller and Stimson Lumber Company, which is a very top flight operation in Oregon. I did a lot of work for them and became very close to the Miller family. [I was also a director of Stimson Lumber Company for many years.]

One of the items that I started on resulted from my being very good friends with [William Phillips?], who had an automobile agency in Salem. I'd done some work for him. In any event, in 1954, Congress passed an act terminating the Klamath Tribe, which was then quite in vogue. Congress was determined that all [Klamath] Indians were capable of taking care of their own affairs. So, the Act provided that there would be employed a trio of quote, "management specialist," quote, unquote, without definition. The management specialists were to devise a plan satisfactory, to the Klamath Tribe for managing their assets. The principal assets of the Tribe was the reservation in Klamath County, which had a timber stand valued well in the hundreds of millions of dollars. The management specialists were friends of Doug McKay, former Governor of the state of Oregon, who was then Secretary of the Interior, republican regime, forgotten which one.

BB: Eisenhower.

TORP: Eisenhower, that's right. Yes.

So, he found three good Republican friends in Oregon: [Bill Phillips?] in Salem; the former Mayor of Klamath Falls, [whose] name I've forgotten; and a man over in Lakeview also. I was very close to all three of them, forgotten [Laughs] two of their names.

In any event, they employed Stanford University to make studies of the Klamath Tribe, and I, on the legal end of it, was hired to explore the possibility of managing the timber assets through corporation or cooperative or trust [other entity]. I would take my dog and pony show down to the Klamath Indian Reservation, meet with the Tribal Council and explain to them the differences between corporation and a trust, which was completely over their heads [Laughs] and have no notion of what I was talking about.

I think maybe, the best evaluation of it was the conclusions of one all-day sessions where I was trying to explain to them how you manage the timber on a sustained yield and have income for all members of the tribe, they became restless. One old man turned to the chairman, "I think you ought to resign. No, I mean you ought to retire. No, I mean you ought to adjourn, you know adjourn, that's the word I wanted." So, the Chief [Jackson?], said

“that’s alright” and set a motion to adjourn. “Shall we decide when we are going to meet again?” And, the old man said, “How about 11:00 tomorrow?” And, a young buck said “No that’s too late, I move we adjourn and reconvene tomorrow at 10:00 or earlier, thereafter.”

I thought perfect. [Laughs] Well, we went through it again, but it was a long and devious procedure, because a great many tribal members had started this thing by all signing a power of attorney appointing a member of the tribe, who was a real operator to represent them in the termination that provided he would receive 50 percent of everything they received. It was so unconscionable that obviously the first thing we had to do was to get the Secretary of the Interior to issue a decree revoking those powers of attorney, which he did on somewhat doubtful authority, but I told him to do it [Laughs], and he did. We had all kinds of lawyers rushing it to try and take over the tribe and bring all kinds of law suits.

The only way to resolve this thing, in our judgement and our outside experts was to provide for the transfer of the timber properties to a trust to be managed for the benefit of the tribe. The steps were that we would have a certain date where the tribe had to make up their minds whether they [individually] wanted to have their interest in the tribal property purchased right then based on appraisals, or stay in the tribe and have the property managed by a trust. About a third of them opted to get their cash and run, which they regretted shortly after because that money for the most part went into buying new Cadillacs. Klamath Falls told a story; as soon as the car ran out of gas, they’d abandon it and buy another one.

Well, then we had the problem of finding a trustee. The U.S. Bank, which was also a client of the office at the time was the only bank that expressed any interest in it. So, we sent out a proposal sheet providing that there be bids made to take it over. The U.S. Bank was the only one to send in a proposal, the management specialists approved it. The Secretary of Interior approved it, and then we had to have a vote of the tribe agreeing to transfer their interest in the timber properties to the trustee, and have the trustee run it for their benefit. We sent letters out including the ballot, and among the ways I devised to make sure something happened was provided that if a ballot was not returned it was

deemed as voting in favor of the transfer. Well, obviously — we had law suits on that one. By god, we won that one too! [Laughs]

So, we ended up then with the timber in the hands of U.S Bank as trustee, and then that trust became a client of the office. It stayed with me until, after I've helped put this firm together in 1974. We brought that one with us. [Rick Martson?] was doing some litigation for me over [in Stoel Rives firm], and came to join us and I think we had that trust as a client for at least ten years.

I had good fortune to act as counsel to and director for many years' pf Sprouse Reitz Co. Inc., a publicly held corporation. I had acted as a friend and counsel to members of the Spouse family for three generations. I resigned my directorship several years before the corporation got into financial difficulty leading to its ultimate bankruptcy.

Oh, I had become very good friends with, also Joe Franz, who was a member of the Franz Bakery family. That corporation became a good client of mine. It's interesting, that the original name of the bakery was Franz, founded by Joe's father's Uncles [Englebert and Ignatz?], but here again they were swept up by the anti-German feeling in the early 1910's. So, they changed it to United States Bakery, which is what it has been ever since. Still uses the name Franz bakery.

BB: One of your long relationships with [John Gray?] in Omark, also.

TORP: Oh, that's right.

BB: Started at the Hart Rockwell, Hart Spencer?

TORP: Yes. [John Gray?] was a neighbor of mine when we lived in Lake Oswego. Where we built a house on a golf course. I knew John's family very well. So, I ended up representing Omark, primarily their corporate field and with many acquisitions that they made. I handled all of those. So, that relationship lasts personally even now, even though that he's no longer a client.

Another interesting client, a man who stayed with us, [Bob Chandler?], who came from Los Angeles, to try to buy the Bend Bulletin Newspaper in Bend, and somehow, he had gotten my name. So, he called on me when he first came to Portland. We clicked right away. Was a sharp young man, but he never heard of a leverage. Well, after a lecture from me as to how you borrow money and use it to purchase the business and use the money that comes from the company you acquired to pay off the debt. Well, then he understood leverage. So, he made a deal with [Judge Sawyer?], who owned the paper to acquire it for what he Judge thought it was a very good price. Bob thought it was a good price also, but since he had very little of his own money in it, he didn't worry about it. [Laughs] Well, he became a very well-known Oregon citizen, and the paper was very successful. Even though Bob died several years ago, why we continue to represent his newspapers.

BB: That's Western Communications now?

TORP: That's right.

BB: And one of his daughters [Betsy McCool] is Chairman of the Board?

TORP: Yes. Well, I should probably wind this up by saying that I am very fortunate now that I'm 85 going on 86.

[End of Tape 1, Side 1]

Tape 1, Side 2
1998 December 28

BB: Tape here, go ahead Fred.

TORP: Well, there are several things that I should amplify and perhaps the organization of the was now Tonkon, Torp Limited Liability Partnership. Was a very enjoyable experience then. I mentioned I had known Moe for a long time. And one of my early experiences with Moe and I, was when I was in the Hart firm. I represented Suburban Gas from California that had come to Oregon. I formed a subsidiary for them to run the operation –that they were buying. Well, Moe’s client [Calder McCall?] didn’t like that. So, he had Moe bring an antitrust law suit against Suburban Gas and its people. And he found my name among the papers so, he named me as a defendant too. [BB laughs]

I called up Moe and said ”What in the hell you doing? You know I don’t get, I don’t have two million dollars, what are you suing for that?” He said I named you? It’ll dismiss right away!” So, he got me out of that one.

I remember Moe working on a lease of some kind where he represented the other party. And I had a gal using a Steven-Ness form to pick out paragraphs that you use for commercial leases. I didn’t watch very carefully what she had done and the draft was sent to Moe, contained one of those self-serving paragraphs, that Moe could not overlook. He called me and said, it’s a pretty good lease, but you come down to this paragraph, “he means she, she means it, and it means them.” I don’t quite understand that, who is she and who is he? I thought “Oh my god,” I said [Laughs] take that paragraph out, not supposed to be in there.

Well, I was pleased that with the group that we started out with, which then measured as [president] Moe, myself, [Murrie Galen?], Brian Booth, [Ken Stephens?], Terry Baker, Don Marmaduke, [Mike Morgan?], and [Jon Nickle?]. I think I touched all the bases there. We are really a very compatible group, and a hard-working group. And, very proud of the fact that my name is still associated with what I think is the best law firm in town.

BB: Didn't you say it was started up as a firm that you were through with big firms, and you never wanted that for the new firm, no more than 15 lawyers?

TORP: That was the target that Moe and I agreed upon. That 15 lawyers was the maximum lawyers we had. I don't think that lasted very long. [Laughs]

BB: We're about 50 more than that right now.

TORP: Yes, that's right, now.

BB: Had you noticed the changes in your practice during the long period of time that you've been involved in the law? You want to comment of fair or unfair/

TORP: There have been a lot, a lot of changes and I think that most dramatic is when I started all you needed was a pencil and a yellow pad. I could hunt and peck on a typewriter. As we went along and the typewriters became electric, I couldn't even start the darn things. I used to make copies, but then the copy machine had to punch numbers in to get to go and. I [Laughs] could never handle that thing. The telephones became more complicated, try to dial an 800 number was impossible. So mechanically the law has really changed into an area of requiring technical abilities, I just don't have and have no desire to have.

I had that in mind when the last year, one of the times I came to the office was a young lady in charge of the computers. Said to me, Mr. Torp, you're the only lawyer that doesn't have a computer in his office, and I have an extra one I'd love to put in your office. I said, that I don't want any computer. I would not use the thing. She said, so, how about your email? I said email, nobody writes to me at all anymore [Laughs]. I thought it took her back.

Well, some of the things this firm has accomplished that I think totally out-standing, with no credit to me, but we've had variable lawyers and we've attracted some good clients. I hear around town that we have the best reputation for integrity, which is very important.

BB: When did you decide to quit the active practice?

TORP: Oh, I have always been aware that one of the worst things lawyers can do is to be concerned about turning over a good client to lawyers that are younger than he is. I decided when I was 70 years of age that I would start scaling back. I think by the time I reached 74, I had already transferred all of my clients to some other lawyer. Somewhere in the past seven or eight years of my practice I determined to transfer to what's called in-active status. I'm still a member of the Oregon Bar, but I'm prohibited from performing any legal services or expressing any opinions, which is very delightful as far as I'm concerned. I have to refer [Laughs] to someone else. The best thing about being in-active is I have no mal-practice insurance to worry about. You have no bar dues to pay anymore.

BB: No CLE (Continuing Legal Education).

TORP: No CLE. That's not a bad life. [Laughs]

BB: Well, when you were always known as a lawyer who was at the office very early, every day, who took quick lunches, was in on Saturday's and many Sunday's, so, what do you do with that extra time? What have you done in recent years?

TORP: You know it's delightful to have extra time. I have done a lot more reading than I've done in earlier years. I very happily found a wonderful widow, [Nancy Morse Moller], who I married in 1978 after having been a widower for 6 plus years. We have now been married more than 20 years. It's been something that I am very happy with; she is a delightfully intelligent and most attractive lady, and someone who is well received among my partners and associates. Now, we go to Palm Desert every winter for three or four months. We've done that for 19 years or so, so we have lots of friends in that area. Our winters are very pleasant, and getting out of this rain country has a lot to be said for it. When we come back in April, the weather is a lot better.

I might say that one of my accomplishments back in my Hart Spencer days was to fill what I hadn't realized was a great desire, which was to own a ranch of some kind. So I bought some property, 64 acres out near Sherwood, which had an old barn and a house, and I spent a lot of time on weekends painting up the house and making it reasonably livable, putting on a porch and putting screening on it, and all of this — I had a neighbor out there who was a truck driver and very much of a handyman. He did all the things like putting roofing on the barn and house and putting a deck in. I didn't pay him very much, but he thoroughly enjoyed doing it. I bought horses so my kids could ride. I never spent more than \$250 for a horse. I got a good quarter horse for that price too. The best bargain I had was when I bought an old mare for \$75. She looked pretty fat, and I didn't realize she was pregnant. She dropped a very beautiful little filly which I had the satisfaction of breaking to ride. For a city boy, I thought that was quite an accomplishment.

Well, I think I paid \$10,000 for the ranch property. PGE wanted to put a line across the back corner, and I think they paid me \$7,000 for the easement. Then I realized that suddenly I had 12 horses out there — two of them were my neighbors' — and all of my children were long gone, and I no longer had a wife, and that it wasn't much fun going out there to feed those silly animals, so I decided to get rid of them and sell the place. The property next door belonged to Oregon Sand & Gravel, a gravel operation. There was a tremendous ledge of rock. My ranch was primarily rock covered by a few inches of soil. So, we jockeyed around on it, and I sold that for a good price, and I was hoping they would renege on the contract, but they never did.

BB: The ranch was always interesting. You would hold annual events for the firm there, and those who worked with you and knew you as a conservative lawyer in dark suits and white shirts — would go out there, and you would have a 10-gallon hat and cowboy boots and jeans and it was a whole different side of Fred Torp.

TORP: It was a good experience, and I thought that my daughter, who was about 14 or 15 when I first bought the ranch, would become fascinated with horses — my sons were

considerably younger — but my daughter loved horses for about a year and then boys came along, so she lost interest in horses, but my two sons became very excellent riders and had their friends out there and had their class parties out there, which always got the neighbors excited because the young people would have the music turned up to about 3,000 decibels.

BB: You might mention where your children are now.

TORP: Oh yes, I shouldn't forget my family. My daughter [Lisa] lives in Vancouver, Washington. She has been a school teacher in the Oregon system for many years, and she is now retired and fully vested with a pension, but she still does substitute teaching. She is married to a very fine man named Don O'Rourke. They have a very nice house in Vancouver. So, I see quite a lot of her.

My oldest son [Fritz] lives in Santa Cruz, California. After hopping around pillar to post, he decided to get himself credentials to be a teacher, and he is now teaching in a high school down there. I think the credit for that belongs to the lovely girl he married, Marilyn, who was a remedial reading teacher in the school system in Santa Cruz and convinced him to take up teaching, and he's a very good teacher. He teaches English literature. He is very well thought of. My oldest son now has a very lovely daughter who is now 15 years old, and she is quite a horse person. She is riding expensive horses and jumping. It's hard on the parents driving her around and towing a horse around, but they put up with it.

My youngest son [Jon] lives in Santa Monica, California. About nine years ago, he married a very lovely young girl named Mimi. They are expecting their first child sometime in the next month or two.

My wife Nancy has a son who is a lawyer in Seattle, Washington. Her daughter lives in Portland, so between the two of us we have covered the Pacific Coast states pretty well.

BB: You weren't always practicing law all the time during your days in Portland. You might want to mention some of your activities. I know you were president of clubs and involved in various nonprofits.

TORP: That's certainly true. When I lived in Lake Oswego, I was on the school board for about 12 years, and I was on the board when we put together the Lake Grove and the Oswego schools into a single district, which it now is, and that was a very enjoyable experience. I was also President of the Lake Oswego Library Board. I did a lot of work in nonprofits in Portland. The first one was called the Community Child Guidance Clinic and is now called the Morrison Family Clinic. Then I think there probably wasn't a single organization that I wasn't affiliated with somewhere. But in the course of it, I became a Trustee of Good Samaritan Hospital, being a good Episcopalian, and I stayed with that for quite a few years. I organized the Good Samaritan Foundation, which is now well endowed and helping the hospital. It was a strange situation because at that time, Good Samaritan was sponsored by the Episcopal Church. Actually, it had been established by Bishop Morrison. So, the bishop of Oregon was always the chairman of the board of the hospital. Benjamin Dagwell was the first one I started with. When I was on the hospital board, the board decided that we had to get a new director or manager because the one we had was completely unprepared for the responsibility and not liked by either patients or doctors. We proceeded to have a search committee which came up with [Chet Stocks?] in Dallas, and we hired him. The Bishop should have fired the old director, but he said to me, "Torp, you fire him." An unpleasant duty telling the man to get his hat and coat and go. I thought it was really a dirty trick.

In the course of my duties as an Episcopalian, I was also chairman of a Mission Committee. We started a little church in Oswego called Christ Church as a mission. As a mission, the Bishop assigns the pastors, and again Ben Dagwell, used the mission as a place to send all of his problems. I had to worry about young men who were either chasing women all the time, and had no repressions at all. Some who were kleptomaniacs, so I had to bail them out when they started stealing things. The one that really capped it was a

young man who had suicidal tendencies who told me he was going to hang himself to escape all the troubles of the world. So, I told Dagwell he would have to get rid of this young man because he is really a problem. He said, "Oh, he's just kidding." Well, the young man went down to the bishop's office and swung a rope over the upper balcony and put it around his neck. So then Dagwell believed me that we would have to get rid of that guy. The mission then became a parish and elected its own rector, so the problem's a little different. The church remains a successful place of worship.

BB: You were on the Oregon State Board of Health, too, weren't you?

TORP: Yes, I was on the State Board of Health when Tom McCall was governor. He appointed me. I knew Tom quite well. That Board no longer exists, but it was interesting. I think our basic problem was having the responsibility for overseeing additions to cities to make certain that the area that was being added was going to be able to handle its own sewage. When you got in the middle of that kind of fight, around Eugene for instance, nobody liked us. [Laughs]

I joined the Arlington Club in 1958, and I was the President of the Arlington Club in 1972. I have had more than 35 years of membership, so now I'm still a member but I no longer pay any dues, and that's one I like. I belonged to the University Club, too, for years and I still do primarily because they have a pretty good library and Nancy and I use it a lot. I also belong to Waverley Country Club. Again, I play such poor golf it's a bad investment, but it's a very pleasant affiliation. For instance, when we had our office party out there, we stayed out at the Waverley Club and avoided driving at night.

So, I've done a pretty good section of Portland, Oregon as far as good causes are concerned. [I was President of the Lang Syne Society.] I was on the nominating committee of the Symphony for a while and worked with [Norm Leyden?] on some of his contract problems.

BB: Didn't you head the symphony for a while?

TORP: No. [Jim Rogers?] did that. No, I avoided that one. I had some kind of title with the old Portland Opera Company. [Peter Koehler's?] grandfather and Ed McCulloch were instrumental in the company. It consisted of men who liked opera who had funds, and they could put together a kitty to bring the San Francisco Opera Company up here for a couple of performances, which were always very interesting. But the fee charged by San Francisco grew proportionately in the same way that the amount of available funds shrunk, so that didn't last very long. When the present opera company was formed, whatever was left in the treasury was turned over to them.

BB: When you were at Hart Spencer. — I know when I was a young lawyer there, it was widely thought the group of lawyers who were there may have been the most distinguished, capable group of lawyers to ever practice law in Portland — yourself, Tom Stoel, [Paul Boley?], you know the names. Do you want to comment on any of those lawyers who were your colleagues for so long?

TORP: I certainly would agree with the evaluation of Tom Stoel and [Paul Boley?] as being top flight men and technicians in the law. Paul was responsible for Fred Meyer being associated with that office. Tom was responsible for the Collins family, and Manley Strayer was a litigator. He was one of the greatest men I've ever known, even though he was known in the bar as being a singer of cowboy songs and for playing on the guitar. I think my favorite story of Manley trying cases was when he was defending the Goodyear Balloon Company because they had sold a balloon for balloon logging somewhere in Southern Oregon. The purchaser took it up on a day when the wind was much too strong, and the balloon came crashing down, so the logging company refused to pay for it, and sued Goodyear. The witnesses for the plaintiff who sued Goodyear for damages and so forth were trying to establish that the wind that day was very normal and the trees were not whipping around. They only had one man who had actually been on the scene, and he was an old timer. He told the story of how he looked across the river and the trees weren't

whipping around, very little breeze out there and he could really detect that it was a very normal weather day. Manley just had one question for him. He said, "Do you have a nickname?" "Yes, I have." "What is your nickname?" My nickname is "Weak Eyes." [Laughs] That solved that case.

BB: Hugh Biggs was another great litigator and an old friend of yours.

TORP: Hugh right now I see occasionally, but he has no idea who he is or who anybody else is. So, it's a shame. But Hugh had a wonderful story which he hated to have told and I'd love to tell. Before he came to Portland, he was an Assistant District Attorney in Baker County. In Baker County he tried a case of arson. The various witnesses were talking about the fire and Hugh, in front of the jury, asked one of the witnesses, "And where were you when the **stire** farted?" That brought the whole courthouse down. [Laughs]

BB: One of the great lawyers in that firm was Omar Spencer. He was practicing in his glory when you were there.

TORP: I knew Omar quite well. One of my favorite stories, if I could digress, I remember I went to Salem with Omar one time and he was driving and he brought along with him a neighbor of his from Sauvie Island who got out when we got to north of Salem. I said to Omar, "Who was that man? He seemed to be very pleasant." He said, "Well, he's a farmer on Sauvie Island and I've known him for years. He came out here from West Virginia with a young girl that he married back there, so he said, and they raised a family on Sauvie Island.

She got religion, then began to worry about God and worrying about the fact that they left West Virginia because he had been chastised by one of the teachers and took a shovel and hit the teacher in the head and killed him. So, he and his young girl came out to Oregon, and they had been very good citizens ever since. They had several sons, two

in the military, but she kept working on it and working on it, and said "You've got to make amends back in West Virginia for what you did years ago."

Finally, to make her happy, he talked to Omar about it. Omar said if you want me to try and find out, I'll get a lawyer back there and find out. So he looked up in Martindale and got a good lawyer and talked to him and told him what the problem was and the lawyer said, "Well, you know, I should tell you now that if he's going to be tried, I will be the judge who tries him, so I can't answer your question very well."

Finally, they got through to the sheriff whose duty it was to pick this man up and the sheriff told Omar, "Well, I don't have any funds to send anybody out to get him, so if he's going to come back here to be tried, he'd better get back by himself. Omar explained to the man that if he wanted to go back, he would have to go back at his own expense. His wife said he had to do it, so he got on the train and went by train from Portland all the way to West Virginia. I can just imagine him telling old ladies on the train he was going back to stand trial for murder.

Well, he got back there and he was indicted since he was confessing to it. Then they tried to find witnesses, and nobody had been in that school yard at all apparently but the three of them because nobody testified to the fact that there was such an occurrence. So, the judge finally said, "I'm not going to let you plead to this at all. I'm going to release you on probation, and you report to Mr. Spencer back there and have him write me a report every three months as to how you're doing. So, he got back on the train and came back to Oregon, and Omar followed through and he sent this judge a report every three months.

Finally, after a year of it, the judge dropped him a note saying that it was a very interesting report, but don't send me anymore. [Laughs] What happened was this man's wife really went off her rocker, was in the insane asylum in Salem, and he went down once a month to sit with her and talk to her. She didn't know who he was, but he was very conscientious and followed through with this wife who had gotten him in all this trouble. That was the kind of story you would only hear from Omar Spencer.

BB: A moving force in the Hart firm in those days was also David Lloyd Davies, who ran the firm from an administrative standpoint and headed up the U.S. Bank account.

TORP: David Lloyd Davies and I didn't always see eye to eye, and he felt a personal offense that I decided to leave that firm even though he was instrumental in getting me booted out. His wife Barbara had the same notion that I was a traitor because I had abandoned that firm. Lloyd was well thought of around town and he talked a blue streak all the time. Ed McCulloch, who I went to work for, was truly a gentleman. He became interested in Willamette University, being a good Methodist and the chairman of the board down there. I used to go down with him to meetings of the endowment committee. I'm pleased that they have a football stadium named McCulloch Stadium for Ed McCulloch.

Mr. Hart was truly a dignified man. We had offices in the Yeon Building. We had an earthquake and the whole building started to tremble, light fixtures swung back and forth. We all rushed down the hall to Mr. Hart's offices, like daddy would take care of it. [Laughs]

BB: Those partner offices were beautiful with mahogany wood paneling. There were spittoons in each office and little wash rooms with sinks and drinking water.

TORP: Those were the good old days.

BB: When I got there, there was still a rule that you had to wear a hat every time you went outside.

TORP: We had an office manager named Mrs. Potter who laid down the rules of conduct for all the lawyers. She just couldn't be repressed. Omar Spencer kept a bottle of booze in his desk. She found out about it and went in when he was sitting there with a client and she pulled it out and flushed it down the office sink.

BB: [Laughs]

TORP: And threw it away. He was a senior partner!

BB: [Laughs] His name on the door. One thing about that law firm. Let's see. When I joined it, I was probably the 35th lawyer. There were no women lawyers and you are I were somewhat instrumental in getting the first woman hired, Velma Jeremiah.

TORP: That's right. She had been secretary to [Harold Miller?], my good friend. A very capable woman. I guess she became a partner after a while.

BB: Yes, she went to night law school and applied for a job, and there were many people, whose names I won't mention, who vowed that there would never be a woman there as long as they lived, and we were able to accomplish that.

TORP: She was quite a woman. She was president of the student body in law school even though she was a night student. She handled herself well. We've had good fortune I think: with the lady lawyers we've had in this office. The ones that have stayed with us I think: are very top flight and well thought of.

BB: You said in 1945 you decided Portland would be the place for you, and I assume you continue to enjoy Portland except in the winters. You've seen a lot of changes obviously.

TORP: I certainly have. I think: for the most part the changes have been for the better. Like every place else in the world, the amount of automobile driving increases and is strangling the city all the time. Our transit mall I think: is every effective and a good way to use downtown streets. Portland has people around who are interested in music and the arts. Excellent museum. I was on the board of the Oregon Historical Society and was the President for a few years. That's a good organization, a few problems but then all the others

had them too. No, I think: Portland is a top-flight city. I've been very happy that I'm here, and I'm even happier in the winter when I'm not here. [Laughs]

BB: Another activity of yours as I recall is bridge. Did that come about because of [Oswald Jacoby?] in your class? Didn't you play lots of bridge over the years?

TORP: I think: quite probably when I was teaching in the Naval Training School, I had no idea who [Oswald Jacoby?] was. But since that time, we've taken up a lot of bridge. We play lot in the desert, and we take lessons down there, so it's a very rewarding experience. I thoroughly enjoy bridge. Again, like so many things, I'm not the best in the world, but I have fun.

BB: Anything else you would like to comment on? I've never seen you sit this still for this long before, so I want to thank: you for doing it.

TORP: Over the years, I have tried quite a few cases in the Federal Court. Judge Gus Solomon was quite close to me. I knew Gus very well. One case that I tried that he held in my favor was a tax case, rather complicated, and it went to the Court of Appeals here, and he was reversed with a very scathing opinion. I was embarrassed and then two months later, a similar case came up in the Circuit Court in Florida with exactly the same facts where the judge reached the same opinion that Gus had. He was affirmed. So, I told him, I said, "See, Gus, you were just in the wrong circuit, that's all."

I have always had the greatest respect for the late Judge James Alger Fee. I had good luck trying tax cases before him because I learned his secret early on "Don't waste the Judge's time!"

I still remember clearly the trial of a tax refund case before him. My client was a wheat farmer from Wasco County. The IRS was then taking the position that upon the sale of a wheat ranch with a growing crop, the value of the growing crop must be taken in as ordinary income rather than capital gain. I advised my client to pay the tax and sue for a

refund in the U.S. District Court. In preparing for trial, I was in The Dalles, trying to find a witness to testify as to the value of a growing crop. I ran into a revenue agent who I knew well, and he told me the Department of Justice lawyer trying my case for the IRS had sent him to The Dalles on the same mission that put me there. We talked about the difficulty of finding anyone who had an opinion on the growing crop value. He told me he would probably use a Wasco County real estate broker, giving me his name. I had employed the same man when I was arguing with the IRS and still had his written opinion supporting a low value. At that time, the court rule was that if you were impeaching through a document, it should be placed in a sealed envelope and given to the clerk before trial. I followed the rule and hoped that somehow, I could call for the document and use it. Much to my surprise, the IRS called the broker, who bravely supported a high figure as the value of the growing crop on my client's ranch. The broker had never told the Department of Justice lawyer about his opinion to me. Imagine my delight in cross-examination in dramatically opening the envelope and asking the witness to read his opinion letter to me. Opposing counsel nearly suffered a stroke. Judge Fee said, "I believe the witness was telling the truth when he wrote that letter." There followed a plaintiff's victory which the IRS did not appeal.

BB: Judge Fee wrote very long opinions, unlike Judge Solomon.

TORP: That's right. Actually when I first came to Oregon with the Hart firm, it was getting into a lot of cases arising out of the Office of Price Administration, which had regulations and lawyers looking for people violating it, so we had a lot of cases building up over there where clients were being sued by the OPA. Nobody had any idea what that was all about. I didn't. So, they said, "Why don't you take these, Torp, and you'll learn what it's all about."

Well, I got to do it, and the fact was that most of the regulations were completely meaningless in a commercial sense, and I learned early on that all these cases were being tried by Judge Claude McCulloch, who at that time had arthritis very badly. A very sharp lawyer, but he hated the federal government with every inch of his body, so all I had to do

in these cases was to let the government put on its case and I would move to dismiss and it would be granted. I think I won 38 of those cases, and I didn't even know what the hell it was all about.

BB: Well, there was a case that was lost for one of your clients, Northwest Acceptance, down in Eugene, a jury case, and you didn't try it, but that led to your rule about drinking. You might comment on your role in that.

TORP: This is a case where the client was a corporation owned by my good friend, [Louis Courtemanche?]. It actually was tried here in Portland. It originated in Eugene, where a truck was repossessed which hadn't been paid for. The wife of the purchaser was crying tears on the stand about how her great big red baby was taken away from her, overlooking the fact that they were six months delinquent in payments. So, Louis and I went to the Arlington Club and decided we'd have a drink for lunch in celebration of anticipated victory while the jury was out. So, we had a cocktail and had lunch. Then we were told the jury was coming in, so we went back to the courthouse, and by God, the jury held against us and awarded \$35,000 in punitive damages, which in those days was impossible to live with. So, we had to take it to the Supreme Court, which reversed it, but that led to the rule in my life that never on a business day were we going to have a drink at lunch.

BB: And that's the rule that you adopted for the lawyers at Tonkon Torp — you don't drink, or if you do drink during the day, you don't go back to the office.

TORP: That's right.

BB: That set us apart at one time from a number of Portland law firms where the lawyers tended to drink during long lunches.

TORP: Well, that's probably enough, Brian. I have nothing else that I can think of that's of any consequence.

BB: Well, thank you very much, Fred. Let me just say what a pleasure it's been to have this discussion with you and I wish you and Nancy well in leaving this rainy, cold weather and having four months in the desert. I hope you have a very happy new year.

TORP: I hope you come down and visit us.

BB: I might take you up on that. Thanks a lot.

[End of Tape 1, Side 2]

[End of Interview]