

# Windsor Calkins

SR 470, Oral History, by Jim Strassmaier

1986 July 7 - August 1



CALKINS: Windsor Calkins

JS: Jim Strassmaier

Transcribed by: Lane County Bar Association

Audit/edit by: Terry Hammond, 2019

## Tape 1, Side 1

1986 July 7

JS: This is an interview with Windsor Calkins in his office in Eugene, Oregon. The date is July 7, 1986. The interviewer is Jim Strassmaier for the Oregon Historical Society. This is tape 1, side 1.

CALKINS: I am Windsor Calkins, without an initial or a middle name. I was born March 20, 1910. I did have two names through the years, Windsor Whipple Calkins, but when I went into World War Two, I found my birth certificate was just Windsor Calkins, and so from that time on I've used just the two names.

JS: Where did the Whipple come from?

CALKINS: That came from my grandmother's people. My uncle, my father's older brother, who was a lawyer and who lived here in Eugene, was named Windsor Whipple Calkins, and when I was born my father and mother named me after him.

JS: So, it's a name you simply found yourself with essentially.

CALKINS: Yes, that's right.

JS: Now your father, we have a memoir on your father which places the family, that side of the family's origin back in Wisconsin.

CALKINS: Yes.

JS: And Randolph, Wisconsin?

CALKINS: Yes, Randolph, Wisconsin.

JS: It seem to be fairly complete in many respects, in looking back over it, could you add something to your father's background that hasn't been recorded in his memoirs?

CALKINS: Yes, my grandfather was of French origin, and my aunt, his sister, no, his daughter, needed to go into the some organization, she traced back to France and there were three Samuel Calkins, three generations who were blacksmiths there, but my grandfather came over to – my grandfather Calkins, Russell Dean Calkins – came over to this country, and he settled up in northern Wisconsin, I mean northern New York first, close to the Canadian border, and then he later moved to Randolph, Wisconsin, where his family were born. There were four children, the youngest of which was my father. The oldest one after whom I was named, was twelve years older than my father, and he was the only one of the children that had a formal education throughout, and he actually went to law school back in Wisconsin.

JS: What was his name?

CALKINS: His name was W.W. Calkins. My father, at age 14 left home. He was so interested in telegraphy. You may have gotten it from that situation. So from age 14, he never had any formal education, but was a telegrapher on the northern Wisconsin railroad

until he was 19. Then he was in a small bank in Ada, Minnesota, and became cashier, and then they had my sister who is ten years older than I am, and there were only the two children. They came out in about 1901 to Ashland, Oregon, where they originally settled out here. And they were only there for a year or two and came to Eugene because my father first had an abstract office in Ashland, and then he was interested in court reporting as a result of the telegraphy that he'd been familiar with, and he practiced on that, and got a permanent job here, based in Eugene for the Circuit, which included the south half of Oregon. And he held court as a court reporter in all of the southern towns, or, of the southern districts.

JS: Do you see some connection between your father's interest in the law and traveling around with his dad, when his dad was justice of the peace?

CALKINS: Yes, I do see that. But as a youngster, of course, he was intrigued at that time, which was actually in the early 1880s, he was so intrigued with the telegraph that he just was fascinated by it. And he learned how, he learned the Morse code through his clicking his teeth, and became very proficient at it. And also, of course, his brothers were looking into the law ahead of him, and that of course made a difference to him.

JS: Was there any connection, was it an uncle who was the educated lawyer in Wisconsin? He had a role in this too, do you think?

CALKINS: Well, he wasn't as close to my father as his brother Frank, who went to Ashland ahead of him, and was a court reporter also himself. So he was interested in that, and of course the brother in Ashland eventually became a circuit judge down there in Jacksonville. So, his interest, I think was somewhat late after he became a court reporter to really think about becoming a lawyer. So he was a court reporter for 20 years, approximately, from about 1901 or 1902, to 1921.

He took the bar exam. I don't think that was in the other paper that you have. He took the bar exam in 1914, and he had not been to high school, and it was required that he have a high school certificate in order to take the bar exam. That was very difficult to prepare for that and to pass a high school examination, which he did, and he passed it, and then took the bar. He just thought that eventually he'd have to stop being a court reporter. It was all done by hand, and everything, and he thought it would be fine to go into the profession, and so at age 49, in 1921, he commenced practicing law and became city attorney here in 1925, and was city attorney for about 20 years, but was also a very fine trial lawyer here.

I joined him in 1932. Now, the older brother, W.W. Calkins, had been president of the U.S. Bank here for years, as a local bank, and when that was sold, why, he was in his 70s, that is my uncle was in his 70s. And my father took him in to his law office, and they practiced from 1929 on. Then in 1932, I had graduated from law school and I joined them. Then my uncle was in the office only for a short time after that.

JS: Did your dad talk to you about his experiences with his father, much, and the relationship they had?

CALKINS: Oh yes. He used to. That's one thing about it, while he was a youngster he was the one that rode around everywhere over that county with my grandfather to hold court or take care of the duties of a justice of the peace there. He told me a number of stories about very interesting incidents from time to time, just being with his father, and going out in rough weather, and having to look out for getting back and that sort of thing.

JS: Sounds like a very close relationship.

CALKINS: Yes, there was a very close relationship. I know that he told me that the only time his father ever laid a hand on him, was that as a youngster, he loved to ride a horse, and he went out with some other boy and the horse was somewhat in a lather when it

came back. So my grandfather told him, "Don't you ever do that again," and my father made some remark because of the boy that was with him, and my grandfather grabbed him and took him right into the barn, and he said, "I thought he was sure gonna kill me." He threw him into a corner and he just was scared to death. That's the only time that my grandfather ever had an altercation with him.

JS: Oh really. So when he left home at age 14, it wasn't a kid leaving a bad home, or anything like that.

CALKINS: No, not at all. They had very small means, and it was a help, because my father sent money back to his father and mother to help them, and when my father left the home, my grandfather gave him a silver dollar.

JS: I remember hearing about that. I was very touched by that. I thought if this sort of background of the family, the hard struggle, and that sort of thing, can you see that hard struggle aspect continuing in the family tradition?

CALKINS: Oh, I think so. Everybody has done what they could to get along. There isn't any question about that, and as a matter of fact, my father brought his father and mother out here and they lived right next door to us where I was born on 13th and Hilyard here. There was a very close relationship there between my grandfather and my father.

JS: Can you tell me about your mother's background?

CALKINS: Yes. It's harder for me to know, because she was the youngest of 12 children. They were Swiss people, and they lived in Switzerland on the German side, and they came to Minnesota – Ada, Minnesota – before my mother was born. But the older children were all born in Switzerland, their name was Gerber or Garber. My maternal grandfather was in the Civil War, on the North's side, and he acquired a hernia while he was in the service,

and they didn't have any means of fixing that or doing anything about it, and that eventually killed him, about 10 years after he got out of the service. So I never saw him or I never saw her mother, because she had her – my mother's older brothers and sisters had children that were older than my mother, so that part of the family was back. I did see two uncles of mine, two brothers of my mother in Spokane, because they eventually came out, and I took trips with my mother up to see them. Also, her sister became a doctor and that was kind of looked down on when they were back there in Minnesota. They thought that a woman shouldn't do anything like that. But she got along fine, and practiced during her adult life, and was credited with saving my sister from a very difficult situation where she got pneumonia and so forth.

JS: So, your mother's family, let's see, perhaps I missed something, did your folks marry back there, or out here in Oregon?

CALKINS: They married back there in Minnesota.

JS: All right.

CALKINS: My mother worked in the post office as a clerk, and that's when my father was, had this job at a small bank there, and they married, they were the same age, and they married when they were 25 years old.

JS: Now, your parents came, your father's parents came out here, too. Were they following Frank out? Frank kind of established the Oregon connection for them, is that it?

CALKINS: Well, yes, Frank established the Oregon connection, but my uncle Win established the Eugene connection. They first lived in a house on 11th Street that's still standing there, on Patterson and 11th. It's a historical monument there. Right next to it is the house where my grandparents first lived when they came out here. Then they built a

house over by our house on 13th and Hilyard. I think they just rented that house. It's still there.

JS: So they did better when they got out here, is that right?

CALKINS: Yes, that's right. Although they were pretty much retired, my grandfather didn't do much out here. And I remember when I was about 6 years old I was very familiar with my grandfather, but he was in his late 80s at that time.

JS: All right. Could you give me a kind of a description, or a sort of portrait of your mother that would give kind of a sense of what she was like?

CALKINS: Yes. Well, she was a very kindly person, and a very energetic person, and a good housekeeper. She didn't have any great outside associations until kind of later years. She belonged to some organizations then and that sort of thing. She was a very clean person, very slender, and a very good cook, and always out raking the leaves or doing something around there to keep up the place. She was not as bright as my father was, but she was a genuine, honest person, and of course, was devoted to her children, and followed me through always. I can remember when I was playing basketball at the University of Oregon, she was always there and following me through everything that I did.

JS: Did she ever get angry?

CALKINS: No, I don't recall her being angry. I thought that my father was a little abrupt with her at times, and I didn't like that. And I would always, whenever there'd be some kind of an argument in the house, through the time that I was there – I lived there until I was 22 years of age – I was always taking the side of the other parent, when I was talking to the parent that I was talking to. I loved both of them, and I was always trying to be a mediator.

JS: So, that was permitted?

CALKINS: Yes.

JS: Were you the only child? I'm sure you weren't the only child.

CALKINS: No, my sister was 10 years older than I was.

JS: What was her name?

CALKINS: Her name was Madge. Her name was technically Marie Magdalene, but she always went by the name of Madge. She went through the University of Oregon, and was a teacher. When she was a junior, her junior year at the University of Oregon, she got a job as supervisor of music at Roseburg, Oregon. So she spent the year working at that, so she didn't graduate then until 1923, when she was in the 1922 class. Then she taught at the Eugene High School, and was supervisor in music here in Eugene, also.

JS: Oh really? And she's the one that put together the memoir of your father, is that right?

CALKINS: Yes, she is. And she worked long, during her whole life. She was married. She never had any children. She was married to a graduate of Oregon State College, by the name of Gene Hampton, but she was divorced by, from him, oh, probably 10 years after they were married. Then she married Raymond Coopy when she was teaching down in Klamath Falls. He was with her until she died, just recently. She died about 6 years ago. And Raymond Coopy died just about 2 years ago. They lived in Portland.

JS: How, how much older was she than you?

CALKINS: Ten years.

JS: Ten years. So, it was a relationship probably, considerably older sister...

CALKINS: Yes, that's right. She was very kind to me and was very interested in me. When she went to Pendleton – she lived ten miles north of Pendleton on one of those big wheat farms – and I went up there three different summers and worked the summer in the wheat fields.

JS: Nice change of scene?

CALKINS: You bet.

JS: Hard work too, I'll bet.

CALKINS: Yeah, that was in 1926, 1927.

JS: How old were you then?

CALKINS: I was 16 and 17.

JS: I was trying to remember your birthdate.

CALKINS: It was 1910. It would be 16 and 17.

JS: You worked in the wheat fields?

CALKINS: Oh yeah, I worked in the summer fall, and then also punched header on the combine, and then I hauled wheat for 10 miles with two wagons and eight head of mules.

We would make two trips one day, and then one trip the next. We'd load our wagons on the night before that we'd made the 2 trips, which was 10 miles, which made 40 miles all together. It was a great experience and I enjoyed it. I remember the first time that I got there, I was supposed to up into the mountains and bring the mules down. And it was 40 miles away. They got me up there at noon, and I knew the way they had taken me up there and I tried to get the mules to come back that way, and I had a terrible time. They would go down another lane or something. They would, if I'd only known, they would have gotten back if I'd just followed them, but I tried to steer 'em in one way and it took me from noon till 8 o'clock, and I finally arrived down there. It was the most rugged day I have had all my life.

JS: Had your relatives anticipated that?

CALKINS: Oh no. They didn't.

JS: Oh, all right. I thought maybe they would find that kind of an amusing situation to put you in.

CALKINS: Yes.

JS: Was that your first physical labor?

CALKINS: Oh no. All through the years I started carrying papers for the *Eugene Daily Guard* when I was 9 years old. I was supposed to take somebody else's vacation, but then they hired me permanently. I worked, for carrying papers, I worked till I was 15 years old. I carried *Oregonians* and the *Guard*. Then I continued to get all kinds of jobs. I worked in the first self-service grocery here, the Piggly Wiggly. I worked all summer in that. And I worked for Steam Brothers Construction here summers, and pushed concrete carts and that sort of thing, and I worked as a janitor for the Tiffany Building. Then I worked out on

the highway for Kernan Brothers with a dump truck, and on up the Santiam, I dug post holes for the telephone company. I did every kind of work that I could. I bought all of my own clothes. My father could've taken care of it, but we agreed it would be a good idea for me to kind of run myself in that respect. I bought all my own clothes from the time I was 9 years old. When I got to the University of Oregon I paid all of my own fees, and when I graduated, the year before I graduated from law school –incidentally, I worked for the alumni office half days while I was at the University of Oregon – and a year before I graduated from law school, I had accumulated about a \$1000. I took that and I bought the house where I live now.

JS: Oh really? Already

CALKINS: Yes. And my father gave me \$800 to finish it, because a fellow had gone broke on my house, trying to build a house. You see, that was just the depth of the Depression, in 1931, so then I got that house and I have lived there ever since. When I got married, I went there.

JS: I wanted to get back into the family before we get into your development of your career. Can you describe, it's awful very interesting to hear a description of how the family operated, what they did together, would suggest what it was like at mealtime and so forth, but what you might think of as kind of describing the family life.

CALKINS: Well, my father loved to talk, and inform us about what's going on in the world. If we ever saw a movie, and those were silent movies in that day, he would try to find out – when you found out what it was about – he would always come home and pick up the encyclopedia, and we would sit around and find out what really happened. At the dinner table he would be the same thing, about current events and everything, he would talk about them and, and give us instructions about it. My sister revolted a little bit about that. She would – he wasn't so much in favor of music, and she was interested in music,

she took piano and so forth, and did as I say, kind of make it a profession for herself afterward. They would have discussions too about literature and that sort of thing. My father was, because of not having any schooling, to me, he was better educated than I ever was, because he worked so hard at it. He informed himself about everything that he could find out about.

**[End of Tape 1, Side 1]**

**Tape 1, Side 2**  
**1986 July 7**

JS: You were talking about the discussions with your family at the table.

CALKINS: Well, that about does it, except every weekend we would go someplace and have a picnic in good weather, and that sort of thing. My father was, of course, very interested in his automobile, which was a Model T Ford, and he bought more than one of them. He had it all rigged up, so that the front seat went down and would make a bed in the bottom of the car. Then he had a rack up above, and in any kind of weather we could, my sister and I, would sleep up above. And when we would go down to Medford to see them, why, we would camp out, but we would just sleep in the Model T Ford.

JS: Kind of an advanced idea.

CALKINS: Yes, that's right. They later did some of that. He loved that car, and he loved to take it apart and put it back together again. He loved to tinker with the engine, or that sort of thing. There's one thing, when we were living there on 13th and Hilyard, and my grandfather and grandmother were living right between our house and the alley, they had a barn. In my earliest recollections we always had a horse. I can remember coming out of that alley with my mother and my grandmother, and asking, I was sitting between them, and asking them if I could drive. And they said, "No, you can't drive." And I don't recall when that was or anything, but I remember we were going downtown in that carriage. It's always been surprising to me, because I remember those horses, and so forth, and I remember that kind of an incident, but I must have been very young when that occurred.

As I said, we had picnics and that sort of thing, and were a family together and had lots of fun that way, and knew all of the places within a radius of so many miles around here. And then on occasion we would go to Newport, because my father was court reporting. He was very familiar with Toledo, that was one of the county seats. I can

remember breaking an axle up in those mountains and then having to go by train then on down to Toledo, and then going in a boat up to Newport. There was a regular boat that left where the train was and would leave Toledo and go across that Bay and to Newport.

JS: Oh my gosh.

CALKINS: As a result of that, when I was 12 years old, I had a very interesting trip with my father, because my father was in court in Toledo, so I took the train over there and came down, and we made quite a little preparations for it, but he and I walked from Newport to Florence on the Oregon coast.

JS: Walked?

CALKINS: Walked, yes.

JS: Oh my gosh.

CALKINS: We stopped – I've forgotten how long it took, but it took three or four days – and we would stop at a farmhouse and ask them whether they would put us up, and yes, they would, and we would eat dinner there. Then we had to arrange for other provisions than we had going down there, but it was an extremely exciting and interesting trip to me to walk that far down the coast.

JS: How old were you then?

CALKINS: Twelve.

JS: How did you get around the headland where the Heceta lighthouse is?

CALKINS: We went inland. We would walk on the beach all we could, but any obstruction where we had to, we would just go inland until we could get around it.

JS: I still have a problem with it, because I don't see how you got through all the brush. Was there a trail?

CALKINS: No. I don't think there was any trails there, but I don't remember any great difficulty in getting around anything.

JS: Oh really?

CALKINS: And we came clear down to the jetty there at Florence and then we got on a train into Eugene.

JS: It's an amazing trip.

CALKINS: That would be 1922.

JS: That is really kind of amazing. Occasionally you run into farmhouses at the mouths of valleys.

CALKINS: Yes.

JS: And they were pretty receptive?

CALKINS: Oh yes. They were delighted to talk. Of course, my father had a very good personality. He had been around so much court reporting everywhere that he knew how to talk to people, and they were interested in him. It made a delightful time.

JS: So you got to see the inside of a courtroom fairly early?

CALKINS: Yes I did. When my uncle was judge down in Jacksonville, at a very early age I was down there. He took me to Jacksonville, and he took me up on the bench with him, and I sat there while he held court.

JS: Well, that's more than an introduction. It would be a large experience in the mind of a young person.

CALKINS: You bet.

JS: With your father, when you made this hike down the Oregon Coast, your father was court reporting? And he did that to get from A to B? In the course of his work, he actually hiked? That was part?

CALKINS: He didn't hike so much, but you see, for instance, when he would go down to Coos Bay, there weren't any coast highways, you know. He would go down to Reedsport, and there would be some transportation with horses to go down to Coos Bay from Reedsport, along the beach.

JS: Oh, I see. No real roads.

CALKINS: No roads. So they would take some kind of transportation, with either horses or some kind of a bus later, down to Reedsport. But those roads were just deep with mud if it was the rainy part of the year.

JS: Do you remember what the experience was like when your father began to work as a lawyer and take part in courtroom proceedings that way? Did that make an impression on you?

CALKINS: I didn't really pay any attention. I think the only trial that I ever attended to this time, unless I was participating in it, was a murder case that my father was defending. I was still in school up here, and I went down because there was so much publicity about it, and so forth. It was a fellow that was riding on a freight car, and he was whittling, and the conductor found him and tried to throw him off the train, and there was a scuffle and the knife went into the conductor and he was killed. And they tried him for murder. It was quite a trial. I watched that trial, but I didn't really hang around that sort of thing here when my father was practicing. He and I tried cases together after I became a lawyer, and he had a very great influence on me, the way, the approach that I would take to those things. But in those early days I didn't do too much. I was exposed to it and everything, but I really didn't decide in my own mind that I was going to be a lawyer.

I gave you some intimation about that before, in that when I was in high school I was treasurer of the student body, and they wanted me to run for president; no, I was vice president, and they wanted me to run for president, and I absolutely refused, because I was just scared to death about getting up and talking, or anything like that. So I ran for treasurer. Then I went up to the university, and they wanted me to be president, of my third or fourth year, of my fraternity, and I absolutely refused, because I was afraid about, it just chilled me to think about getting up in front of that group and running it. So I went through basketball, and when I would graduate from law school, Bill Reinhart, who was the coach, offered me the freshman basketball coaching job, and I had quite a decision to make at that time, because I just couldn't believe myself as a lawyer, even though I'd been through law school. So it was a hard decision, but I thought I'd better do one or the other, and I went in with my father.

JS: What was it? How do you explain to yourself why you had that sort of hesitancy?

CALKINS: It was just, I was a timid person. I wasn't too self-assured about my capabilities. I didn't think I was capable enough to do those things. I just wasn't ready.

When I went in my father's business as a lawyer, he just pushed me right in here and there, and the other place. I'm still scared, but I know how to get around it. I hear lots of people say it must be old hat with you. It isn't old hat. I don't think you can be a good trial lawyer unless you're very apprehensive about what you're doing.

JS: It perhaps provides some kind of energy, and attentiveness, if it doesn't destroy all attentiveness.

CALKINS: That's right.

JS: I got along all right, but I was very apprehensive about it. I remember a case that my father and I tried together, in the very early days in the circuit court. It was pretty big stuff at that time for me, because I hadn't had much experience. There was a very good defense lawyer that my father had tried cases against. We were on the plaintiff's side, the man's name was Paul Certig. He was walking along the road to Florence and the Siuslaw Transport, which was the first kind of a transport of any sort between Florence and Eugene, came along on a curve, and it was a little past dusk, and he had two of his horses there, and was leading them along the road, and the Siuslaw Transport struck them and injured Paul Certig, mainly his back, that sort of thing. I remember we tried that case. My father told me, "You make the opening argument," he said, "but don't say anything about damages." He had a way of kind of leveling with the jury and telling just what he thought it was worth. So he says, "I'm going to tell them that I think it's reasonable for him to bring in a verdict for \$3500." So I said all right. So I argued the case. Well, my father was a very dynamic person when it came to making an argument. He did a very good job. So the other lawyer, who was very experienced, because he thought I didn't do anything that was any good, and because he was afraid of my father, waved argument. So the jury brought in a verdict for \$5,000.

JS: Is that right? Oh, really.

CALKINS: That was the first case – when it went up to the Supreme Court, he appealed it – and that was the first case that I argued in the Supreme Court, which was about 1936. They affirmed it, so that we won the case, but the news media put on the wire that the Supreme Court had held that a horse didn't have to have a tail light. [Laughter]. That's what they got out of it. That wasn't the real point to the case, but that's what they put on it.

JS: I have an impression of your father as a very forceful person.

CALKINS: Yes.

JS: Does the son of a very forceful father have to be kind of shy, do you think? I don't want to be too analytical, but...

CALKINS: No, I think that's true. I think there's no doubt about it. And I respected him, too. He was a disciplinarian, and he would frown on me getting out of line about most anything. But he was, he was not unkindly.

JS: Did he physically discipline you?

CALKINS: Oh, I don't recall any real bad physical, but he was a strong person, and a strong personality, and when he would tell you what he thought about something, why, it would kind of back me up a little bit. I didn't give him any arguments.

JS: Forgive me for being a little analytical, but I was thinking of your sister, on the instance of music, your sister putting her foot down with your father; it sounded like what you were suggesting.

CALKINS: Yes, that's right.

JS: Do you have something equivalent in the way of asserting yourself?

CALKINS: No, I don't think I did particularly. I don't think that he really objected to much that I did. It was just little things, about schedules and everything like that, he would want me to conform to that schedule. But really he didn't make me so I couldn't assert myself, but I just couldn't spar with him. Because my sister did it, she had more guts than I did.

JS: Uh huh. I should ask you about your schooling, what schooling what like in these days, say starting with grade school, including also the extracurricular stuff, playground stuff, so we can get kind of a picture of that.

CALKINS: My father, too, on that sort of thing, he spent a lot of time with me, playing catch and everything, and doing physical activities. He liked to see me wrestle and that sort of thing. In those days there wasn't any formal wrestling or anything like that, but just was boys that I was with, and that sort of thing. I went to Patterson School, where is the Sacred Heart Hospital, it was just half a block away from our home. I went to that school, and I remember the days I used to play soccer up there, my father bought me a soccer ball, so I was always allowed to play on the team, because I had the ball, and I would take it home every night.

JS: It was soccer?

CALKINS: Yes. We played in the field right up there on the corner of Alder and East 13<sup>th</sup>. Up through school I had very good grades, in grade school. The last year, the principal, who was Mrs. Gilstrap, decided that two of us, a Clair Hamlin, who is a retired architect here in town, and myself should go through the year in a half a year; it was sixth grade. In those days there was the A and B class. So we would do our work on the A side, then

transfer to the B side, and do that. So we went through a half year, so I entered the junior high school, which was here on Olive Street, a half year early.

Then, there's where I met my wife, who was at Washington grade school. She was in the same situation over there, with a half year. She was my same age, and was a half year ahead. Then I was at junior high and I entered into all their athletics, just for fun. Then, I was in the glee club. I was in the glee club in high school, but I was never much of a singer at all. Then I entered the high school and I went through there in three and half years; that was when that was a four-year deal. So I graduated when I was 17.

The last year we were in school, I got on the basketball team, first time. I'd been working up to that time, so I worked at various things in the afternoon. I did go out for basketball. The last year I went out for basketball, and fortunately I was on the team that won the state championship.

JS: Oh really?

CALKINS: It was the first time Eugene high school had ever won the state championship in basketball. They had a national tournament in Chicago, so the group there of a girl's organization went up and down Willamette Street, and solicited funds; so we were sent to Chicago to the national tournament. The year after that there was a Portland team that was supposed to go, and when they got to Pendleton they called them back. That national tournament was canceled, and they've never had it since.

JS: Why?

CALKINS: Too much difficulty, I guess, and expense for high schools. They never got back to it. So we had the experience of doing that. Another funny thing is, that same year my wife – and she was my girl from the time I met her there at 12 years old – when we entered junior high, she had been a harpist. Her mother was a piano teacher, and she became a harpist when she was 9 years old. She was selected as a harpist to play in the

national high school orchestra in Dallas, Texas, that same time I went over to Chicago. She was selected as the first one of 10 or 11 harpists from the whole country at that time, there. And that's while I was in Chicago on that. We won our first game, from Jacksonville, Florida, and lost our second game at Norfolk, Virginia.

JS: Were you fairly tall?

CALKINS: Yes, for those times I was fairly tall. At the University of Oregon I was six feet and a half inch, just barely over six feet. That isn't very tall, and it certainly is very short nowadays as far as basketball players are concerned. When I went to the University of Oregon, I played all through school, and I was captain of the University of Oregon basketball team.

JS: What was the Chicago experience like, by the way?

CALKINS: We stayed at the Hotel Windemere, and of course those trips down into Chicago; and that was a time when Cicero was such a prominent place, you see, it was in 1927, and all the gangsters there at Cicero. We were very interested in the thing, and lo and behold, there was a high school team from Cicero that was in that tournament, and they won the tournament.

JS: Is that right?

CALKINS: You bet. Real tough kids. And it was very interesting from that aspect. We went all over Chicago and were sightseeing around there. I'll never forget when we got on the Oregon Electric here to go on that trip, looking at a map – and I'd never been out of Oregon – looking at a map and seeing how far it was to Chicago. It was just amazing to me. I couldn't believe that I was going clear back there to Chicago. We had a lot of fun with the black fellow that was – I can't think of his name right now – but all the way over, we

had so much fun with him on the train, because he was always, he was making fun with us, and everything, and we had...

JS: A porter?

CALKINS: He was a porter. He was very interested in us, and we were interested in him, and had a great time with him.

JS: Being a Eugenian, had you seen blacks before this?

CALKINS: One black as I grew up, who worked down in the baggage department at the Southern Pacific station. That's only one I ever saw before this porter.

JS: Did you have any thoughts about blacks?

CALKINS: Oh, no. I remember my father was very friendly with this fellow down here. His name was Mr. Washington. He was a real nice fellow, and we had no feeling about it. Then there was China Mary that lived down near the station. That was the only Chinese person there was in town.

JS: Eugene didn't have much minorities in those days.

CALKINS: No, they didn't at all.

JS: In your schooling, do you remember the kind of reading that you did, say in grade school, and then perhaps in high school? The kind of reading that interested you?

CALKINS: Oh, no. I'll tell you one thing about me, I wasn't as curious about reading as I should have been. I would read everything that was put in front of me, but I just wasn't a

reader. I can remember my father trying to get me to be a reader. At an early age he used to read me lots of things, and I enjoyed that, but for some reason it just wasn't something that I particularly want to do. I read all my assignments and everything, and did well in it, but like my wife, who is a very intelligent person and she reads everything that there is; and I'm not particularly interested in reading everything.

**[End of Tape 1, Side 2]**

**Tape 2, Side 1**  
**1986 July 7**

JS: And this continued in high school, which you didn't have a particular focused interest? How about in subjects in general? What was particularly interesting to you?

CALKINS: Mathematics was very interesting to me, but, when I got up into algebra, I didn't particularly enjoy algebra. I enjoyed all the rest of it. I wasn't a person who enjoyed language. The only language I had was Latin. In those days there wasn't much Spanish or French or anything like that, very little of it at that time. So I just wasn't exposed to languages. My family has been pretty well exposed to it. Everybody.

JS: Oh, they have?

CALKINS: Yes. We have Wynn, he was very interested in German. And then, when he went over there he just enjoyed it so much. My daughter, she spent her junior year from the university in France, and lived with a French family and learned the language very well. Her daughter is the same way, and her son, my grandson Jamie, who is a lawyer now, he's passed the New York Bar and is working for a firm in Paris, because by reason of this darn French thing, he married a French girl.

JS: Oh, really?

CALKINS: So that's where he is. He is very fluent in French. I don't have that.

JS: Well, circumstances are really different, with, I guess, the world war; world wars brought us into contact with other countries. But your experience of the older world, part of it was, Chicago, and the Chicago trip. Then there's kind of a general category. What was

your idea of the world? Did you have some political thoughts forming at that stage? Say in your teens?

CALKINS: No, I didn't have a great deal. I wasn't worried about the country at all. In analyzing myself, I was just I think a very responsible person, about anything that I should do. I was a hard worker. I enjoyed being with people, and I enjoyed working with people. But, I was pretty simple, really. I had no great ambition or anything. I can remember thinking as I came up how nice it would be to work for the Standard Oil Company. At one of those stations. Likewise, in carrying my papers through the years, I enjoyed serving the people, and I wanted to be the best delivery boy that there ever was. I was very responsible about that. I thought after that, how wonderful it would be to be a postman, by reason of those experiences, because back in those days, people that got letters were very thrilled to get them. There weren't all these bills and advertisements in them. I thought it would be a fine job to be a postman; I liked to walk, and it would be enjoyable to carry the letters around.

JS: I know what you mean. Do you remember as a – I wanted to ask you this first: Your father's politics, were they evident to you?

JS: Yes, they were quite evident to me, and I believed him. I think he had a formula, a way of molding me as kind of a conservative all through the years. And I still feel a lot of those feelings that he felt. But I don't want to run out and take a torch about him, because I don't, I'm not politically inclined. When I went – I went into World War Two at a fairly late age, I was 34 when I went into the Navy – and as I was gone for those two years during World War Two, I kind of reflected on the service clubs and the school boards, and things that I had served on during the time, and I decided that when I got back to kind of stay out of anything that was political in any nature, and really apply myself to my profession. You see, I had been practicing for 12 years before I went into World War Two. So I think I was really a better lawyer than I would have been if I'd allowed myself. There were a lot of

people who wanted me to run for this or that or the other thing, and I just turned that off, and decided to devote myself as a lawyer.

When I came back from World War Two, Judge Harris, who had been a circuit judge here and was on the Supreme Court, he was kind of a political person as far as the legal business is concerned, and he was just devoted to make me a circuit judge. I had one more trip to go to Japan and back with a ship. When I came back, he wanted to talk to me. So I said, I'll think about it. When I came back I told him, I said, I'm just not going to run for judge, and so forth. If you want me [Inaudible], I will.

JS: So you exercised your choice, your own judgment.

CALKINS: That's right.

JS: What were your father's politics like, as he made known to you?

CALKINS: Well, he had a very profound feeling for right. To give you an example of the kind of a man he was, we used to examine abstracts. There wasn't any title insurance, and when you buy a piece of property, you'd go to a lawyer and the title company would make up the sheets from the patent to the United States down to the time, with any mortgages and things like that. A lawyer would review that and decide whether there was a good title, and give an opinion on it. Maybe during the 1930s, we'd charge \$15 for examining that abstract. I remember one time that he examined an abstract, and about 5 years later there came a question, when this fellow was going to transfer the property. They were making objections to certain things. So my father immediately took that over and filed a suit to "quiet title," they called them. He paid all of the expenses of that suit to quiet title and didn't charge him anything, because he thought that he'd made a mistake there in examining that abstract. There was no necessity of him doing that, really, because it wasn't that much of a mistake, but he felt that he owed that to that man. So that's what he impressed, with me more than anything else. As I say, he was a Republican, and believed in kind of a

conservatism. I just didn't get any real impression about politics from him, in a way, because he didn't believe in politicians too much.

JS: He was skeptical?

CALKINS: He was skeptical. Of working for their own motives.

JS: And watching for integrity in [Inaudible] politicians.

CALKINS: Yes.

JS: Were there some in particular that he did favor? Did he ever mention Teddy Roosevelt?

CALKINS: Oh, yes. He was very much in favor of Teddy Roosevelt. As a matter of fact, he was very much in favor of Herbert Hoover. And of course, Herbert Hoover, if you know about Herbert Hoover, he was really one of the finest citizens we've ever had. He did more for us and had absolute integrity about everything he did. And that's the kind of thing that my father looked for, is that kind of a man.

JS: All right. Teddy Roosevelt is sometimes seen as the – what would you call it anyway? – the person who formed liberal politics in his party in the state, and he was very popular when he came through in 1913. So if you can see Teddy as a kind of a liberal, that's a different sort of politics.

CALKINS: Yes, it is. But at the same time my father had great respect for him. He never had any objection to Teddy Roosevelt at all.

JS: Yeah. But it's kind of interesting to see that strain of party politics, and how it sort of persists in the state. A lot of republicans took note of Teddy's running to set up a third party. Did your father ever hear about that, possibly?

CALKINS: Oh yeah. I don't think he wholly approved of the third-party situation. He thought that if he couldn't get the nomination for his own party, then he shouldn't turn around and do that.

JS: So, that kind of threw the election, many republicans thought, in the hands of Wilson.

CALKINS: Yes, that's right. That's what happened.

JS: Do you remember the first world war?

CALKINS: Oh sure.

JS: Pretty early in your life.

CALKINS: Yes. But as soon as the armistice was signed, I sold lemonade out there on 13th Street. I remember it very well. I remember my father was about, he was 45, 46 during World War One. I didn't tell you that my mother was an exceedingly patriotic person. There never was a day that that flag wasn't out in front of our house. Like a lot of her whole Swiss family coming over here and finding what a wonderful place it is, and they were all hard workers, and everything, why she became very, very patriotic.

JS: Fortunately not German. Because that could have been unpleasant.

CALKINS: Yes, that's right.

JS: There wasn't any danger of her being associated with the Germans, or anything like that?

CALKINS: No, it wasn't. But you take during – we had some German friends in Eugene. Mr. Stebnel, who lived about two blocks away from us, and I can remember Timothy Clorand was a French professor up here, and he tried to get Stebnel in trouble during World War One, and that greatly provoked my father. He stood up for Mr. Stebnel, and did everything he could for him?

JS: How did Clorand do that?

CALKINS: Oh, just by gossip on the campus up here and everything like that. Made not only gossip, but he'd make statements about everything. And the feeling was very high, you know, about Germans. Yeah, it was really something.

JS: Yeah, I had never encountered it or heard it talked of, but the history books always tell you about it.

CALKINS: I lived right up next to the campus there, and there were inferior people with great prejudices that they would show about anybody who they thought was German.

JS: Thoughts of Wilson. Was Wilson a concept in the family? The League of Nations?

CALKINS: No, my father didn't like him.

JS: Just didn't like Wilson. Did he ever say anything about the League of Nations?

CALKINS: Oh, he just didn't think it would work. He just as a practical matter didn't think it would work.

JS: Well, good. I'm glad to hear some reference to the University of Oregon, because it reminds me of the fact that this was close to the house, so it must have had kind of an impression on your family.

CALKINS: Yes, it was just two blocks away. I think I said before it was a block, it's two blocks away. You see, the border of the University of Oregon is Kincaid Street, then there's Alder, then there's Hilyard. And I lived on the corner of Hilyard.

JS: Did the family attend functions at the university?

CALKINS: Yes, but there weren't very great functions. I remember during World War One, there was a lot to do with the R.O.T.C. [Reserve Officers' Training Corps] up there at the university, and there'd be big rallies down at the Armory. I remember Colonel Leader was the head of the military up there, and he was setting up things, you know. I can remember in my backyard, digging trenches. We dug trenches and played in trenches during World War One. That was just the thing. I remember going down to the Armory and seeing Colonel Leader, and he walked out on the stage, and he took off his hat, and he threw it down and he says, "Send the boys cigarettes." [Laughter].

JS: Was he collecting money, or something?

CALKINS: No, he just wanted them to send any friends they had in the service cigarettes.

JS: Oh really?

CALKINS: Yeah.

JS: R.O.T.C. was a big movement at that time.

CALKINS: Oh yes, it was. There was some training force up here at the university, but it was all kind of within the bounds of the university, and they were training soldiers.

JS: If I may for moment get back to a slightly earlier period: Can you remember the important, your experience of the important period of a person's life, the change to maturing and puberty, and around 10, 12, and so forth, becoming aware of girls, a recollection of what that experience of maturing was?

CALKINS: No, I really don't. I didn't feel much of a change in myself at that. Of course, at the early age of 12, I decided that's the girl I want.

JS: Very early? That early?

CALKINS: Twelve years old. As I entered junior high and all up, all the girls would –that I knew – would talk to me about my attention to that particular girl, and so forth, and I just was adamant about it. I made my choice, and that's the way it was. When we were in high school, I was president of the freshman class, and she was vice-president. And it just went on through that way. As I say, when we were seniors, we had those remarkable trips, each of us, and we just stayed with it. She graduated a year before I did, because I went through law school, but as soon as I graduated, I married her.

JS: Can you speak for her? Was it as early for her that she was always aware of you?

CALKINS: Yes, but she kind of led me along a little a bit. She didn't want to be too easy to get. [Laughs]

JS: But you weren't at the same high school?

CALKINS: Oh yes.

JS: Patterson High School.

CALKINS: No. Patterson Grade School. I went to Patterson Grade School, and she went to Washington Grade School.

JS: That's right. I'm confused.

CALKINS: So after we had been in school 5½ years, we met at junior high school, Francis Willard Junior High School.

JS: Oh, I know where that is. And then went on to Eugene High.

CALKINS: Then went on to Eugene High School, yes. Then entered the University of Oregon.

JS: Good. I thought to ask next, how it was that you moved on to your college, and experience? What gave you the idea to go on to college? And how did the family respond to that?

CALKINS: Well, it was just a natural process, because my sister had gone through the university, and I was very much interested in the university through the years. Hugo Bezdek was coach of the University of Oregon football team. He eventually went to Penn State from here. He had a son close to my age, and they had Kincaid Field – I've got a picture in there that shows Kincaid Field in one of the other rooms here – and he lived there just two

doors from me. So when they were playing football, he'd take me up and we'd sit on the bench, because his father was coach. I was very interested in that, and then all of the activities, like the homecoming, the bonfire, and everything. We that lived around fairly close to that, we were always up there watching everything go on. And they had where the music building is on up to that cemetery, every time the circus was in town, why the circus would be there.

JS: Oh, they held the circus up there?

CALKINS: Yes. So that was just a few blocks, about four or five blocks from my house. The whole University of Oregon campus, when I had a wagon, I'd go up there to Villard Hall and coast down that hill. And at Deady Hall, there was a walk down there, and we'd coast down that hill. When I'd play mumblety-peg, I would go up there where the present law school is and we would play marbles around there.

JS: What's mumblety-peg?

CALKINS: Well, it's a kind of a crazy game of shooting marbles in the holes.

JS: Oh, all right. So you were really, physically, the place was really...

CALKINS: Physically, I knew all about it and everything. I don't remember thinking, well, should I go out and work or not, it just came natural. And of course it wasn't any big problem to go then. The fees were moderate, and I was earning afternoons 50 cents an hour, so I'd earn two dollars every day that I was in school there, until I got into law school anyways. So it just seemed the logical thing to do.

JS: What proportion of the young adult male population went to college in those days? Was it pretty high? Was it exceptional for you to be going to college?

CALKINS: No, I don't think so. Of course, I don't think the whole student body was over 3,000 or 3,500 at the University of Oregon. It seemed they had some big classes there, especially in the first two years. I made friends with fellows that there were in our law school class. It was much larger the year I went into law school than it had been. There were about 33, 34 students in law school in our class. That was quite a fair-sized class. It was very enjoyable to me in law school, because of those friendships I formed.

JS: Was your father definite about encouraging you to go to college?

CALKINS: Oh yeah.

JS: He thought it was something that really you should be doing?

CALKINS: Yes, that's right. He thought I should go. He always told me, though, and it was kind of surprising the way it came out, he advised me that, "Don't do like I did, do this and do that, try to just jump around and land where you land." He said, "Just take up one thing, and stick with it," and he said "You'll be all right, it'll come out all right."

JS: So, he really gave you some advice.

CALKINS: Yes, he gave me some advice about that, that you shouldn't just quit school or you shouldn't go through school and then take this job or that job, or try to get into business or something. You better decide something to do and stick with it, and stay in the same place. Because it's an advantage. You make friends. I've always thought like going to the Oregon law school, and I advised my grandson, but he didn't take my advice, that if you're going to practice law in the State of Oregon, go to an Oregon law school, because your friends make connections all over the state for you about problems that you may have in another county.

JS: Well, nowadays you might advise a son to take up two professions, in case one of them was a little tight. Things do really radically change. But you hadn't thought of going into some other career pursuit outside of college? There wasn't really an alternative going?

CALKINS: No, I think my father thought that if you're going to be a lawyer, be a lawyer, don't try to be something else, because he didn't think a law school education was any good for anything else.

**[End of Tape 2, Side 1]**

**Tape 2, Side 2**  
**1986 July 18**

JS: I would begin this afternoon by asking you about your interests in college and the kind of subjects that appealed to you, and the kind of reading that you did, and the course work, and in general about the classroom experience at the University of Oregon.

CALKINS: Well, all I can say it that I was 17 when I entered the University of Oregon, and I really didn't have any particular intellectual interests to do. I wanted to take a course where I could go into law school, and that's what I did. And during that period of time I was working half days at the alumni office which took quite a little of my time. I took just a general introduction to literature and those sort of subjects, and I took a speech course and that sort of thing. But they were all just like civics and those sort of subjects that I was told would qualify for law school training. So I just complied with what my assignments were and went into them, and they were of some interest to me, but they weren't essentially an overwhelming interest that I would pursue beyond them. That's the way I went through those first two years. I was busy, as I say, with my work, and then I was playing freshman basketball, I was a member of Phi Delta Theta social fraternity, and I just went along and did what I could to get through school.

JS: Were there some teachers that you had a particular liking for?

CALKINS: Not in those first two years. When I got into law school, I had teachers that I was greatly – that I greatly admired. The funny part of it was, though, one teacher in particular was Orlando Hollis, who became dean of the law school, but he was probably about four years ahead of me. When he got out of law school – and he was a very fine student, as a matter of fact before I got into law school that a headline would come out in the Oregon Daily Emerald that “Hollis leads grade average again,” and that sort of thing – but he entered law school as a teacher the year I entered as a student.

JS: About the time he graduated?

CALKINS: No, he had worked in the First National Bank for a year, and then he came back to teach at the University of Oregon law school, which was at least a year or a little more after he had graduated from law school. He taught initially procedure, and then later code pleading, and he was just an excellent professor. Our particular class that spent three years with him all thought that he was a better teacher of the law than anyone that we experienced during that period of time, which was quite a thing to say for a young fellow in that course. And he continued, and was for a long time the dean of the law school, and he was a temporary president of the university, and was up there all through the years. Now he is a consultant on one a law firm here in town. But I really think that he is about as exceptional as any teacher that I ever saw.

JS: Can you tell me what it was that really impressed you?

CALKINS: Well, his principles were great. I thought he did more for law students as far as not telling them directly, but making them officers of the court, and the importance of complete integrity in the profession. And there isn't any question that he had a great influence on a lot of young lawyers at that time.

JS: And at this time, Wayne Morse was on the faculty?

CALKINS: Yes, he was also, entered as a teacher the same year that Orlando did. So those two teachers we had immediately. We had their first classes at the University of Oregon Law School. And our group was fairly large, it was in the thirties, for those years it was quite a few students there at the law school that particular year. I think it was a larger class than before us or right after us.

JS: What was Morse like?

CALKINS: Morse was, you could detect a political leaning as far as he was concerned right from the start. He taught criminal law, but he was pretty good at the beginning, but he began to deteriorate, in my opinion, because he began to get the interest in arbitrating labor disputes and that sort of thing, and was taken away from the law school at periods of time. And you could see that he was reaching out for something, and he was trying to enter the political situation, and as a matter of fact did, and became a senator. But I was not particularly impressed with him. I knew him quite well. And in later years, when I was working for the water board, I testified before his committee back in Washington, and I was very friendly with him, but I just wasn't as impressed as people generally are.

JS: So his political leanings were really apparent at the time. Were you able to politically identify him? In other words, was it really clear so that you could identify him in one way or another to some extent?

CALKINS: He enjoyed shocking anybody with what he would do. It just wasn't the sort of thing that I would be impressed with. And when I'd gone back there to Washington, and seeing him in his office – there were lots and lots of caricatures of him and everything, he was about as well-known as any senator that we've had, and then he changed to being from somewhat Republican to an Independent, and then he changed from being an Independent to being a Democrat, and he just went with whatever he thought was the way to go, and was very successful at handling himself and staying in that position.

JS: I suppose there are other sources on Morse this early, things that he wrote, probably his own writings, autobiographical, otherwise, but I was just wondering if the people who were around him could see what was developing in him. What sort of issues that he would, or positions that you could see that he was taking at the time?

CALKINS: Some of us did. I had a very close friend, Jim Desindorf, who eventually was head of one of the large firms in Portland. He died about six, no about nine years ago, and he was very close to me, because we studied all through the first two years of the university, and then we studied together all through law school. He was my best man. Then I was his best man eight years later. We had been close through the years. He received great prominence in the commissioners of uniform law. He was a commissioner for years, and then a permanent commissioner, national commissioner of uniform laws. And then he was president of the national commissioners on uniform laws, and went to the Hague on international uniform laws, and that sort of thing, and was the head of his firm. That firm originally was Day, Hampson and Nelson, and he started right at the bottom and went up to the top.

JS: And he knew Morse?

CALKINS: Oh, yes.

JS: He could tell you what Morse was like?

CALKINS: Oh, yes. He felt the same way I do about him.

JS: I've encountered the name Desindorf.

CALKINS: Now, Allan Hart I don't think would speak that way of Morse.

JS: Well, that's a different story. I'll have to tell you about that, that is a very interesting story. But Judge East, Bill East, also mentions Desindorf, too.

CALKINS: Yes well, we were all classmates.

JS: So, you knew Bill East?

CALKINS: Oh, I knew him very well. As a matter of fact I gave a eulogy at his funeral. Several of the federal judges came down for it. I met him for the first time at an older boy's conference in Salem. He was a football player up there, and I didn't have a high school letter at that time, and I was very impressed with his football letter.

JS: Oh, you met him clear back then?

CALKINS: Yes, it was probably about 1926 or 1927. So then he entered school here at the same time I did, and we knew each other up through school, and then through law school he was in our same class. Just by chance, he went into World War Two and so did I. We didn't see each other, I was in the Navy and he was in the Army. And when I came back, I came back here in December of 1946, and had to go on another trip across the Pacific, and Judge Harris, who had – I don't know whether you know Judge Harris...

JS: I'm encountering the name quite a bit.

CALKINS: He was a circuit judge here in Lane County, and then he went to the Supreme Court and was Supreme Court judge and subsequently came back here and practiced law again, and I tried cases against him – but he – at that time G.F. Skipworth was the judge and we were given another judgeship, and that was right in, I said one more trip, that was December of 1945, just before 1946 – so he had left word that if I came here he wanted to speak to me, and I wasn't out of the Navy yet. So I went and talked to him, and he told me that he wanted me to be judge. I said I can't say that I will, but I'll think it over. My inclination is that I won't be a judge at this time. So I contacted him again as soon as I got back, and I told him I'd thought it over, and my father had kept the practice that we'd had together opened, and I didn't want to leave him. And also, I thought I was better equipped as an advocate than as a judge. It's the same thing, I wasn't really the scholarly type of person. I

was a very practical person, and so I said that I wouldn't do it. Then Bill East came to me, and we were very close friends, and he said, "Do you want to be judge?" And I said, "No, I don't." And he says, "Well, I do." And I said, "All right." So I proceeded, on the way that we did things in those days, and I took a petition to the government, to the Governor, to be signed by the various lawyers here in town. I went around to everybody, and got them to sign, to apply for Bill East. Then Judge Harris and I took that petition up to the Governor. That was Paul Patterson. And so, he was appointed circuit judge.

JS: Yes, were you aware of his interests in becoming a judge when you were a fellow student of his at the University?

CALKINS: Yes, I did know that. He always wanted to be a judge.

JS: Yes, it always seemed as though it's something he wouldn't hide, keep as a hidden ambition.

CALKINS: No, he always wanted to be. Then, the funny part of it was, after he had served as a circuit judge here for six years, an opportunity came for a new federal judgeship. And the senator, Guy Cordon – was an Oregon Senator, and he lived at Roseburg – and Guy Cordon wanted to appoint an Oregon City judge – I'll think of his name in a minute, but he became a Supreme Court judge, and is now retired – and he thought that he ought to be appointed a federal judge. So this Judge in Oregon City went so far that he was being investigated by the F.B.I., and it extended over a period of time. So Guy Cordon had to run for re-election, and Dick Neuberger, who was a Democrat, ran against him, and he won. So Guy Cordon didn't have any power of appointment anymore. At that time Wayne Morse was the Democratic senator, and the only Republican representative was Norblad, and he was a classmate of Bill East and myself. So that is how Bill East got appointed as a federal judge.

JS: Oh, is it? All right.

CALKINS: Because he was, he went, and had good connections in Congress there, and went to the Attorney General's office – and, what is this lawyer's name that was a head of this recent commission? A New York attorney, about my age. He was in as a representative with Norblad, and that was a kind of a close connection into the President and that's how Bill East was appointed.

JS: I wish you had taken the name, a New York lawyer, did you say?

CALKINS: He was just on, he was head of this commission on the disaster of the explosion there of the...

JS: OK, well perhaps we can insert it later.

CALKINS: Well, I know his name, I just can't think of it at the moment.

JS: Another fellow in your group, now that we're kind of picking the group of classmates, I guess we should also include Richard Neuberger. Was he in law school at about this time, or was this later?

CALKINS: No, he was there later. He was a reporter there, he took journalism at the university. I can't remember that he ever became a lawyer. I think he was in journalism, and I know when I was in school he was writing sports stories, and so forth, but I don't remember that he went to law school, but maybe he did after I was there.

JS: I think he did. East, Bill East speaks of him interrupting a conversation that he was having with Morse over school affairs. He also mentions that there was a scandal involving

Neuberger over cheating in an exam. And it was in the law exam. Do you remember that in any detail?

CALKINS: Yes I do. Well, I can't remember many details of it, but I just remember the situation. I just kind of let the thing pass off in my mind, but I remember there was such an incident. I think, that's funny, because I think Morse was still here at that time, and then he turned out to be a senator along with Morse.

JS: Do you remember Neuberger?

CALKINS: Oh yes, I remember him.

JS: What was he like?

CALKINS: Well, I didn't really personally know him. I met him a number of times. he was very descriptive. I remember he wrote an article for the *Oregonian* about the all-time basketball team here in the Northwest, and of course I was interested in that, since I got honorable mention in it.

JS: Oh, really?

CALKINS: He liked that kind of stories, and he kind of was good about figuring out some interesting-type story that nobody else ever thought of writing. He was an interesting individual, but personally I really didn't know him.

JS: Sports meant a lot to you in college. Maybe you could kind of describe what kind of a part in your life they played then, and since?

CALKINS: As far as I was concerned, I enjoyed all kinds of sports, and I tried many things. When I was a senior in high school I had never gone out for basketball before. I went out for football that year also. I didn't accomplish very much. So I had an afternoon job, too, and I couldn't do it, and finally I decided to take a whirl at basketball, and it was a very fortunate thing, because while I wasn't the – I think number seven man on the five-man team – so just by chance, there was a lot of disruption in high school, because a group of roughs, part of them athletes, disrupted the school activities and whitewashed the principal, and we got national publicity.

JS: Whitewashed the person?

CALKINS: Yes. In the gym they set up a pail of whitewash there on the rafters, and then ran a line outside of the building, and then there was somebody up there to signal this fella when to pull the rope. And it whitewashed this principal, his name was Swan. At that time I was a student body officer and of course I disapproved of what they were doing, but they did it, and as a result, they stopped all athletics at Eugene High School.

JS: Oh, they did? On the basis of that?

CALKINS: Yes, they did. And we got started with our basketball late in January, and just by chance we went on through and won the state title, beating Salem in the finals.

JS: Was this the time that you went back to Chicago?

CALKINS: Yes, so then we went back to Chicago.

JS: Wonderful experience.

CALKINS: Yes, and that was a tremendous experience for me, just a local boy that had never been anyplace. So then I continued on to try to play basketball at the University of Oregon, by reason of that. I wasn't – no one thought I was going to be any good, but it just turned out that I was pretty good at defensive basketball, and they always put me on the top scorer. I was able to also make some points. So I played – well like the last year I started every game, and finished every game except one. Bill Reinhart had confidence in me. It was a wonderful experience for me. I think probably, in my inner self, I'm prouder of being captain of the University of Oregon basketball team than anything else I've done. It just was the thing that lifted me more in those days. And I think it did a great deal for my feeling of confidence, than I would have had. As I've told you before, I was quite a timid person and didn't – was scared to get up in front of anybody and say anything, and that sort of thing. And I think that basketball experience helped me immensely.

JS: It does say something for sports, and the value of them.

CALKINS: Yes, it does.

JS: What was to be gotten from a fraternity in those days. What kind of an experience was life in a fraternity?

CALKINS: Well, just the association of a bunch of very fine boys. I enjoyed that very much, but it was entirely a social experience, and I think that helped me some too, to be that. I know when my son came up, he was somewhat like me, and maybe a little bit more so, and I was awfully glad to have him join a fraternity, because that did a lot for him. Where there's somebody that is kind of timid that way, and my son had the problem, he was off of his leg from the time he was four years old until he was almost nine, with Perthes disease, that situation in the hip where the hip bone deteriorates, and then it grows back. He was first in bed, and then he was on crutches, and then he was on a brace for those

years, and that kind of cut him out of any real activity, any physical activities at that time. I think that association with his fraternity helped him a lot.

JS: Were the fraternity associations or connections significant later on? And did you maintain contact with these people?

CALKINS: Oh yes. We just had a meeting of Phi Deltas, Phi Delta Theta, that were from about the class of 1925 up to 1940, right here in Eugene, around June 1st of this year. I still have those connections. I don't ever see them, but they – Howard Hobson is one of them, and I'm a very old close friend of his. And he's – there are several there that have been very close to me.

JS: I wondered if I could step back a moment, well first to stay close to the subject in college. What was the approach in law at the University of Oregon? What was the general approach, if you can typify it at this time.

CALKINS: The general approach of whom?

**[End of Tape 2, Side 2]**

**Tape 3, Side 1**  
**1986 July 18**

JS: This is an interview with Windsor Calkins in his office in Eugene, Oregon.

I guess I should rephrase the question a little bit. I was thinking of the case method approach, and wanted to know whether it was the case method pursued and whether there was any questioning of it or going beyond it.

CALKINS: Yes. Well, I think it was the case-law approach, and I think that it lacks some. I think that there ought to have been, in my legal education, more textbook type of approach. I think the idea of the case law is a practical approach. You have cases that were actually decided, but I think you could learn an awful lot from the textbooks, and I'm afraid like myself, I didn't go into the textbooks as much as I think I should have, because we would naturally have the opportunity if we wanted to, to go further than what we had, but I didn't. I just think that those principles of the textbooks and everything on that kind of a basis would be as good as the casebook work.

JS: When you say textbook, I'm not sure what you mean.

CALKINS: I mean the things that have been written about the various subjects of the law, and just setting out all the principles that are there, rather than the casebook. I think that you should have some casebook, but I think you ought to have a lot of textbook, too.

JS: I guess it was about this time that the approach began to change in some of the schools. Did you become aware of this? And what did you notice about these changes?

CALKINS: I didn't notice much change in my law school education.

JS: But in the practice of law?

CALKINS: Oh, yes. I suppose there was some change, but it occurred considerably later, to my knowledge.

JS: I was thinking of the laws of federal procedure in 1939. I was just wondering, was that the time that the Impact was really felt of the new approach?

CALKINS: In 1939? Well, that was the beginning of it. But all of this in the practice as far as a trial lawyer's concerned, of for instance, depositions, discovery of every nature, of interrogatories, everything which really came out of the federal procedure. The states have taken over a great many of those things that the federal procedure put in. I'm not sure that all of that has helped the system. We are overboard on discovery, and it takes so much time and money for discovery. They go to too many of – they go the far limits, more limits than I think that they should go, in allowing discovery and doing it. I know that my father had kind of an idea about that. He thought that with all this discovery you prepared people more for presenting themselves as a witness, and that they would be more likely to tell the truth if they hadn't had all that training through discovery. So that's just one view of that sort of thing.

JS: Did it also reduce some of the cost by the sharing of information in discovery?

CALKINS: It didn't reduce the cost. It costs so much more. Even in proportion to what the situation is, it costs too much for litigation now. I don't think it should cost that much. Through the years for so long, I would try cases and most of the cases would be two or three days. Now they go on for weeks, and months. I just think it could be better handled in that respect. During the 1950s and the 1960s, when I was busiest as far as trying cases is concerned, during that period I got into the defense work. I had plaintiff's work through the 1930s, but after the war I really just did defense work, and have done that ever since, that is, defense in civil cases. During the 1950s and 1960s I averaged handling 100 cases a

year, and I tried about 25 of them, and that was a pretty good average of what I handled. I would cut down, and then take in more or something like that, but I kept it at about that rate. Gosh, you couldn't handle that many cases now. It'd just be impossible. You earn just as well, with the way the system is, but the public's paying for it.

JS: Costlier process overall. The new approach to the law is often regarded as reflecting the changing circumstances as the Depression came on, as they began to use law for social purposes, and to get at areas where the law wasn't very operative before. I wonder if this would be a good point to start looking at your experience as the Depression came on. Could you tell us, first of all, what it was, just the day-to-day experience that you had of the Depression?

CALKINS: It was an interesting time. As far as I was concerned, I was paid \$100 a month for a long time to practice law, and that was, as far as my wife and myself, ample to get along in the world. I remember when we decided to have our first child, which was about, after we had been married two years, that I out of that \$100 a month I'd put away \$25 every month for nine months during her pregnancy in order to pay for the hospital and doctor of the birth of our child. And it worked out just fine, with no insurance, or no anything. During that time, as far as the practice was concerned, we did all sorts of things we don't do now. We, for instance, examined the abstracts, because there was no title insurance; and there was the patent of the United States in there, and it showed all the transactions in that. The abstract come, they would put together all the records of when it was deeded or when it was mortgaged, right on through, or any liens or judgment, that sort of thing. It was our job as a lawyer to examine that when anybody was purchasing or selling property. We would examine that, and we would charge \$15 to examine an abstract and give our opinion that the title was good. Then, as far as the income taxes were concerned, there weren't any accountants, and a lawyer was supposed to help fix the income tax reports for his clients.

All of the litigation in the 1930s was really quite simple. We would perhaps defend persons that were violating the law by making liquor, and there were other criminal matters.

They were more simple than they are now. I remember I tried one murder case in which a man with not too high intelligence was working, and they'd make fun of him all the time. He got awfully disgusted and hurt about it, so he took a crowbar and hit this one fellow over the head and killed him. I remember trying that case, and what amused me about it and why I always remember it, is that the District Attorney kept questioning him about it, "Why don't you tell us just how you did that?" And so he said, "He was sitting there with his back to me, and so I took this crowbar and I lifted it up, and I came right down on his head, and his head cracked like a pumpkin."

JS: Oh my God.

CALKINS: And I knew I was free then, because it certainly showed what he was thinking about. He was acquitted, but he was sent to the insane asylum. There were all sorts of – I've tried a number of criminal cases. I remember when a man came trying to track down his wife, on Willamette Street here, from Washington, they'd lived in Washington. His wife was trying to get away from him. He came down here, and I was appointed to defend that fellow, because he, on Willamette Street at a shoe store, he came up to her and pulled a revolver and shot at her, and shot off her finger, and it went into the store there; and he was charged with assault with intent to kill. I defended him. Those were my two big criminal cases.

JS: So there wasn't a lot of activity?

CALKINS: No, there wasn't. There was plenty of time to reflect and do things, I'll tell you that.

JS: Because examining abstracts was a pretty minor business?

CALKINS: Sure. That's right. But litigation was not great. Did I tell you about the case – as I told you, I use to try a lot of cases in the justice of the peace courts, and we'd have some real tussles there. I remember one case in the circuit court that my father and I tried together. He was forcing me in to do things, and this was very early. It's the case of Certig vs. McCullough, the first case I ever argued in the Supreme Court. It was concerning a man down on the Siuslaw who was, late at night after work – not late at night, but it was dusk, and just about dark – and he was leading his team back along the highway to where his barn was. And he took those horses there, and the Siuslaw Transport Company, it was the only truck that would go to Florence and Eugene, struck – did I tell you that?

JS: I remember it now, you said, being on the road.

CALKINS: The truck hit this man, and he had this bad back and so forth. Well, I won't continue on it, because I already told you.

JS: Yes. Good anecdote. I'm interested in what the community was like at the time. Some people managed to get by, who had some security, maybe railroad workers or something like that. Did you see a lot of real poverty, and people being really overcome by the Depression?

CALKINS: No, you didn't see too much of that. There was a poor farm outside of town here, where they took care of people who were really destitute, but you can imagine it wasn't a very large group.

JS: But it would have been people walking, wandering around looking for jobs?

CALKINS: Yes, that's right. I remember, there is still some evidence – I noticed in the paper here just the other day where there was someplace where people were kind of living like they used to live, right down here by the Ferry Street Bridge. Under the bridge there

was a place where bums would come along on the railroad, and stop here and go down in there and live around there on the ground under the shelter of the bridge.

JS: This was in the 1930s?

CALKINS: Yes. Yeah, sure. There was the same old thing and there was quite a lot of that sort of thing of people getting on trains, which they weren't allowed to get on, and riding through the country and trying to find some other place to live.

JS: And hobo didn't have the same connotation that it does now, is that right?

CALKINS: No. That's right. It was almost something that was expected. Hobos were entitled to do what they were doing.

JS: Were they numerous down there?

CALKINS: Yeah, pretty numerous. Yeah. We just – we used to kind of watch them as youngsters, even before the 1930s.

JS: What was your response, your reaction to the arrival of F.D.R., the new ideas, the New Deal, and the programs that began to come along?

CALKINS: Well, of course my father was a strong Republican. Not politically at all, but he felt that that was the right system for this country. Of course, he was in favor of Herbert Hoover, who history has shown was one of the finest people that we've ever had. He did more things than he was given credit for. But the crash, the 1929 crash, hit my father pretty hard. He had been a lawyer for about 10 years, and he had saved his money. Every time he got \$1,000 together, he went down to the bank and had them buy him a bond. And he had accumulated, I think, about \$50,000 which was very substantial through that period

of time, through the 1920s. And he ended up, with the Depression, of being worth about \$15,000, because most of those bonds, a lot of them were South American bonds and that sort of thing, and they were all just gone. But he was the sort of fellow that didn't resent that a bit. He just started right in again and thought it was important to do the job he was doing and did it well, and expected to come out all right, whether Roosevelt did anything or not.

JS: I was interested personally to what happened to people. Personally, to have that experience, you know, in the kind of longer terms, do you recall the event when the realization came home that the money was lost and so forth, and how your father responded to it in the months after that?

CALKINS: Well, he just felt like he'd been taught a lesson. That it's better to have his money in the bank, than to have purchased these securities. To my recollection it didn't bother him too much.

JS: Didn't embitter him?

CALKINS: No. Not at all.

JS: Some people it really affected their spirit.

CALKINS: Well, that's right, but not my father and mother. They were very patriotic people, and they thought that they were getting everything that they were entitled to, and so what. We've had a blow-up here, well we'll just take the thing the way it is and proceed, and get along. We'll get along, don't worry about that.

JS: How about you, personally? What was your reaction to the New Deal?

CALKINS: Well, I didn't really think very much about it. I didn't know how long it would go on, but I certainly felt that we would come out of it. Then to have the war come on, which really saved the situation pretty well. That was all right. But it didn't – as far as the community that I lived in around here, I didn't think there was any great injustice placed upon us, and I don't think that any other people generally did. This was a nice community. And it was a much sounder community than it is today.

JS: Economically?

CALKINS: Yes.

JS: The lumber industry was – how well was it doing during this time?

CALKINS: Well, it wasn't – in a small way, little mills around and so forth. See, Weyerhaeuser didn't come here until about the time of the war, I think.

JS: So the small mills were able to continue and provide some employment?

CALKINS: Yes, that's right. They were getting along all right to my recollection.

JS: It was about this time that you were married? What year were you married?

CALKINS: 1932. Just 54 years ago today. Today.

JS: Oh really? Oh, that's right, you said you were going to have a big anniversary celebration. Wonderful. Could you tell me something about the different stages of your courtship? I know that you had had a very long relationship before marriage.

CALKINS: Yes.

JS: Could you talk a bit about the marriage in the beginning, your household and that sort of thing?

CALKINS: Well, yes, I think I told you before that I – as far as our association through the years, I think that having my wife-to-be, my senior year of law school after she had graduated – because she went through the four years and graduated and I had to go on to law school for a year, about a year – that it made my work at the law school, together with the basketball that I was playing and everything, I don't think that I applied myself as much as I should have to my work, because I had to take her around considerably and play basketball. I don't think that I justified my existence in law school, but I got through all right. I was really relieved to get married. I had prepared for it. A year before I purchased this house for the \$1,000 I'd saved through the years. And my father put up \$800 to put the appliances in; and I rented it to my to-be brother-in-law for \$25 a month that last year I was in law school. So I was all set. I had a place to go, and took a lot of hand-me-downs from my family to furnish it. So we got started on an even keel.

JS: Now your wife is Doris?

CALKINS: Yes.

JS: Was she involved in music at this time?

CALKINS: Oh yes.

JS: Was that beginning? Was that coming along?

CALKINS: Oh yes. She was playing in the University of Oregon orchestra when he was in high school. She was the only real harpist around here. And had taken – from the time

she was 9 years old, she took lessons from Ruth Lorraine Close in Portland, and went up there for lessons. Then she played for the University of Oregon orchestra all the way, her last two years in high school, and all the way through the university. Then immediately afterwards she began teaching harpists, and kind of established a harp town here. Then was head of the harp department at the University of Oregon.

JS: Oh, she then was on the faculty at the University of Oregon?

CALKINS: Yes, after she got out of school. I can't remember, it was two or three years after she got out of school that she got a position there at the university.

JS: So that helped with income?

CALKINS: Yes. Well, when I was married – did I tell you about what she was offered?

JS: No.

CALKINS: The year before I was married, she was offered to play second harp at the San Francisco Symphony; and the next year – she turned that down – and the next year, the first year that I started practicing law, she was offered the second harp at the symphony and a radio job in San Francisco, in which they offered to pay her \$350 a week. And I was making \$100 a month. So I had to consider whether I should go down to San Francisco and keep house or not.

JS: So you did actually seriously think about it?

CALKINS: Yes, naturally we did, but we had sense enough to – she wanted to marry me, and I wanted to marry her, and we just didn't think it would be the practical thing to do. So we didn't.

JS: So it was that early? Just before you were married?

CALKINS: Oh sure. Absolutely. It was right then when I was going into practice.

JS: In Eugene at this time – the one other thing that I wanted to do today, was to – and this goes back a little further –was to perhaps talk about some of the scenes around the town. Because, you know, when you begin to reflect on it you begin to see how things have changed. I wonder if you could give me a kind of a picture of society in the Eugene of the 1920s. How it was divided up? What people you would see in the town? Maybe you can tell us something about the scene in the city at that time?

CALKINS: When I was in my teens? In the 1920s? I don't know. My people were not very socially aware of things. And there wasn't much there except, for instance, we'd go on picnics and that sort of thing. My father loved the automobile, and he had Model T Fords, more than one. He enjoyed going on trips. I think most every Sunday we would go someplace. But as far as the in-town social deal, I never saw any part of any social life very much until I was married and in the 1930s. There were some organizations there were then...

**[End of Tape 3, Side 1]**

**Tape 3, Side 2****1986 July 18**

JS: What I was thinking of was more the composition of the population. And whereas today you can say there's a group of intellectuals, university products, who stayed. There are Californians who have come in, and so forth. In looking at it, what was it like say back then in the 1920s? What kind of people did you see?

CALKINS: As a teenager or something like that, I remember so much about the youngsters. The Y.M.C.A., for instance, on Willamette Street was a great hangout for young people, where there was swimming and a basketball court and everything like that. But as far as the people were concerned, there were – society was a little ostentatious in some respects. I know there were people that we wouldn't be considered to be in the society level that they were. I can remember when my father was a court reporter as I grew up, why there was a man that lived down the street who had children and he was the clerk of the school district. So I said that my – I remember that I said that my father was a court reporter. So, one of those children said, I've asked my father and he says your father is just a court stenographer.

JS: Which didn't sound too bad, did it?

CALKINS: No. But there was kind of a class distinction about those who had something and those who did not. I can remember that feeling of the society generally. They were somewhat – I think today the upper crust of the city is better than it was then.

JS: In what way?

CALKINS: Just because they didn't indicate that they were better than somebody else.

JS: Oh. It was more demonstrated then?

CALKINS: It was more demonstrated then. It's like your old stories of the people that lived up on the hill. You just couldn't possibly expect to associate with anybody like that.

JS: And who were they professionally?

CALKINS: Oh, I can remember Mr. A.C. Dixon who I knew in late life out at the country club. He changed considerably, but he was head of Booth-Kelly Lumber Company. People that had a position of that kind just felt that they were all right.

JS: So it was essentially wealth. What about...

CALKINS: Yes, it was wealth.

JS: What about, what shall we call it, blood or old family or anything, were there other factors too that?

CALKINS: Yes, to a certain extent, but really it wasn't a truly old enough community to have too much of that. I just don't think they were. Of course, like you see in that book there, those early members of the water board, that sort of thing, I don't think that they were that way at all, but it was pretty small potatoes, the water board was at that time. I don't know, I'm not very good to be asked about that sort of thing, because my observations were not considerable along that line. I just enjoyed being here.

JS: Well, I think aside from analyzing it, and so forth, the experiences have a lot of value. For example, in your experience, when you looked around and saw where you were socially, that is in the different divisions of the community, was there – did you see

occupations or people that you didn't want to be a part of? How did you place yourself in that way?

CALKINS: Well, I had kind of good contacts through the university really, because my sister was going to the university. She was 10 years older than I was, so as I came up in those real younger years, I used to know the girls in the various sorority houses that were all near my house. I didn't have any problem about the upper crust at all. They all seemed fine to me and they were all good to me.

JS: Was the farm population a distinct population? The farmers in the area?

CALKINS: Yes. We had some very good friends on the farms around, and would visit farms of people we knew. I remember the Gravilles, and the Bakers. There were several farms just around Eugene that we used to go out and visit them and eat Sunday dinner with them.

JS: I remember – I'm being very clumsy about this and I apologize – I remember farmers coming into town on a certain day, and it was a different group of people. Kind of visually, you saw the farmers are here. What was it like? What was their appearance in the town like in those days?

CALKINS: Well, we had the farmers' market down here and it was a delightful place, because farmers from all over came in, and they all looked like good people to me. I didn't distinguish them as being different in our society. I knew they were farmers and that's the kind of work they did and that's the way they looked, but I didn't – I had a very good feeling toward them.

JS: It seems to me that they used to come in on Monday or Saturday? Or was there a certain day?

CALKINS: Yes, there were certain days. They used to come in oftener than they did later. They had fresh things in there it seemed like most every day for the early part of it.

JS: I remember the market too. So you worked with your father for quite some time. What were relations with your father like, working with him? What was it like working with your father?

CALKINS: It was very good. I had great respect for him. He was probably a little bit more strict with me in the early part of it than would be. But he treated me perfectly fairly, and one thing he did for me is that as I got along, he gave me a certain percentage of what the earnings were, but he kept me on a salary and withheld that from me, much to my wife's chagrin, and actually got me started financially so that I began to want to really save. It helped me a great deal along that line. That was for about, you see, 10, 11 years that he did that. Then I went into World War Two, and he kept me in the partnership and paid me the same, except that I threw in my salary of what I was getting in the Navy. Then at the end of – when I returned, everything was turned over to me.

JS: You had come of age then?

CALKINS: I had really come of age when I was about 35.

JS: Let's talk about your war experiences then. The whole experience of war coming on and your thoughts about war in general. Maybe the best place to begin is – well, we did talk about the first world war, some experiences that you had, some awareness you had of the first world war. Could you tell me how the idea of the war, the impending war, entered your thinking? Could you see it coming and what were your thoughts about the international situation?

CALKINS: Before getting into the war, Roosevelt was in a very good position to go ahead because of the bombing of Pearl Harbor. I remember clearly, I was playing golf at the time, and got the word from the radio out there about it. I had a feeling that I wanted to enter if I could, because at that time I had a little girl who was then about 2 years old. She had – we found a year later – had spastic paralysis. That is a situation where you don't have control over your physical situation. There weren't any of these places, there wasn't any place here where you could get any help. It was hard for a doctor to diagnose it. We finally found a place in Burbank, California where there was a lady, a specialty lady in a staff who was trying to get these children on their feet. Here she was, she was 4 years old and still wasn't able to walk. We spent a great deal of time with her and everything like that and had the older child, five years older than that. So, we finally got her placed down there and it cost me \$150 a month, which was quite a stipend to me at that time. She reported to us every instance and everything, but within three or four months after that she died.

That happened in the early part of 1944. As I say, I had thought considerably about going into the service, but I just didn't see how I could do it because of that child. So, then I just decided I was going to go in. Right then. I applied, and was scared to death they wouldn't take me and everything, but I got in after she died, and went to Tucson, Arizona. Did I tell you about going there to Tucson, Arizona?

JS: I don't recall.

CALKINS: Just the arrival was all I wanted to tell you about, because George Nooner happened to meet me on the plane here and we went in together. It was hot weather there in Tucson at the time. I remember they took a two-month class to put young officers through. Because of your graduation and so forth, you could go in as an officer. So we walked up there – they had this big gym where we lived – and came up there and the class, most of the class was up on the stairs there and everything, and they were all shouting at us as we came up. They said: Too old for the draft, too young to die.

JS: You're kidding. That's terrible.

CALKINS: Because that was the group there – I was in my 30s and some of them, there wasn't anybody younger than about 25 in the group, you see – and so, that was my introduction to it. I thoroughly enjoyed the training, although I didn't like going back to school so soon, because we really had to study. So, we were there for two months, and then I went to Fort Schuyler in New York, was assigned there. I took Sally, my daughter, and Doris, and we lived on Riverside Drive. Howard Hobson was back there and got us a place on Riverside Drive for them to live, and I was just a weekend husband, and went out there to Fort Schuyler every day for a nickel on the underground. We were there then for about two months, and we were assigned to Miami. We were able to take my family down there to the Flamingo Hotel – which was right across from Miami on Miami Beach – that they had for officers. I would take a boat into Miami every morning, and then they'd bring you back every night, which was a very enjoyable experience. Then I went to Newport, Rhode Island, and had training there to put our crew together, because we were going to take a new ship. So I was there at Newport, Rhode Island, which was a very, very cold place. I never was in a colder place and that wind off of the ocean. Then we went to Norfolk, Virginia to get on our ship.

Then we took off and went to the Mediterranean, and were there for a period of time until the war was over in Europe. Then we started to the Pacific, and we were alone. So this ship that we took, which was an A.K.A., and we went through the Panama Canal, and had one minor scare of an attack through the Pacific, but went to Manila – no, not to Manila first, to an Island below that. Then we went up to Manila. Then we kind of commenced training to go on to Japan in the Lingayan Gulf, which is in the main island of the Philippine islands.

JS: How do you spell that?

CALKINS: I can't recall at the moment. Lingayan Gulf. Then we went for – and then the atom bomb was dropped while we were there. So in the – we went up for occupational landings on Japan, and went to several of the islands there, and then came back to Seattle. At that time I was – no just before that time – I was made executive officer, just because some of the people on our ship, officers on our ship, had been on there so long that they were entitled to get off, because the war was over. So I was executive officer. We came back to Seattle. Then I came – at that time I ran down to Eugene, and had that talk with Judge Harris, and then we went on back to Japan. Then subsequently came back to San Francisco. That's where I was discharged, in San Francisco in March of 1946.

JS: So the possibility of a judgeship occurred right while you were still in the service?

CALKINS: That's right. It was really a wonderful experience as far as I'm concerned. We had a captain by the name of Fluck.

JS: Bad.

CALKINS: Oh you can imagine what the sailors did with that. He was a former merchant marine captain, and some of those fellows that were that way were very strict about the rules. While I was executive officer I would go up to his cabin for my instructions for the day, and all the time I was on there he never asked me to sit down.

JS: Oh really. Very formal.

CALKINS: Very formal. He loved the sea. He had a good library there in his cabin. To my knowledge he never went ashore any place we stopped.

JS: Oh really.

CALKINS: He just liked to stay right there in his cabin, which was kind of an interesting thing.

JS: What was your experience in the occupation in Japan?

CALKINS: Really it didn't amount to much, because we were really bringing equipment and that sort of thing in there. The last trip that we had, I know we had a lot of – of course we went ashore in Japan and saw people, and carried – we could have cigarettes, you know, for five cents a pack, and we'd put them in our hat and in our clothing, and trade them cigarettes for things, kimonos and that sort of thing. I was very Impressed with the hotel there, what was it the Empress Hotel that was built long ago? All of the rooms, you know, a normal size man had to stoop down low to go through.

JS: So did you encounter any hostility from the Japanese?

CALKINS: Not at all. They just showed every respect. There wasn't anything that showed they – of course it was pretty hard to talk to any of them, except by the sign language. But, that's about all I can say about it.

JS: When you were in the Mediterranean there was no action there, it was so late in the war, is that right?

CALKINS: That's right. There was no action there. We were there not too long a time either. We were there for probably two or three weeks. I had an opportunity to go along the coastline there and so forth in a jeep. It was just a nice trip.

JS: It wasn't the trip that you anticipated?

CALKINS: No, that's right.

JS: Well, what did you anticipate? Were you pretty anxious about getting into the service?

CALKINS: No, I wasn't. And it was a nice break in my law career too, to get away from that for two years.

JS: When you were over there were you thinking about what your life was going to be like when you returned to the life in the States? What were your thoughts?

CALKINS: Well, I was determined to do trial work. I was convinced that I was good enough to do it.

JS: So you hadn't been doing trial work before?

CALKINS: Oh yes. I had been, but I mean as a regular thing. Before, there were things that were done besides trial work. And I pretty much specialized then in trial work. I had a lot of clients, you know, like the Rosboro Lumber Company, and the United States Plywood Company, the U.S. Bank, Cone Lumber Company, Coca Cola here in Eugene. A lot of things like that I was having, and I kind of decided to do more trial work and do less of that kind of work.

JS: The sort of routine legal work for these kinds of clients?

CALKINS: Yes, that's right.

JS: It seemed like it would be more stimulating? Were you getting tired of the routine sort of work?

CALKINS: Oh, yes. I tell you, I thought that I was getting pretty good at trial work, and anybody likes to do something they think they're pretty good at. That's all there was to it.

**[End of Tape 3, Side 2]**

**Tape 4, Side 1**

1986 July 25

JS: I wanted to start out with our first proposed subject today, and it's kind of a general thing, it's not chronological or anything like that, but it's discussing some of the individuals that you have encountered in your professional career and also in the city. What I would like to ask you in the case of these people, I'd like some information on them, some kind of an appraisal of their work, and some kind of a personal portrait of them. Maybe there is an anecdote here and there that will help to illustrate these people. For instance, Tugman, what was Tugman's first name?

CALKINS: William.

JS: William Tugman, is a pretty large figure in the Eugene community.

CALKINS: Oh, absolutely.

JS: Could you give some information about him?

CALKINS: Yeah. Well, he was a very dominant person all the time he was here. He was not only editor of the paper, but he expanded beyond the paper to influence things, and he was a great influence. Now there's – just to show you one thing that he did, was to get a statute passed, I think it was 1954 in the legislature, where all municipal utilities should pay the city, in lieu of taxes, at least 3 percent if they were able to do so, on the basis of their obligations and bonding, and everything like that, and that has been in there through the years. In the Eugene Water and Electric Board it's been changed, and was put up to about 6 percent that they have been contributing to that. That was stabilized in 1976 when we amended the city charter. Now that is, both parties – both the Eugene Water and Electric Board, and the City of Eugene have to agree if that's to be changed, either down

or up from 6 percent. Now that that applies to every municipal utility in the state, but it was just really made for Eugene. That's what provoked Tugman to do that.

He carried his influence politically and about all manners right straight through. To show you, after he left here, he went down to Reedsport and was editor of the paper down there. That was quite a thing, because three of our judges – Chester Anderson, who was a district judge, and Bill East, and Frank Reed, both of them were circuit judges – went to a meeting down in Coos Bay, a bar thing – I don't think it was a state bar meeting, but it was a bar function – and on their way back, they had, I guess all had several drinks, and on their way back they drove through Reedsport and got stopped there where there was some construction and so forth, and they took all three of them in to the police station, and so forth. Well, Tugman got ahold of that, and he made quite an editorial that was sent all around the state about that. It didn't affect Anderson and Reed, but it did affect East, because East was being considered for that federal judgeship at that time. So, I was appointed by all three of them to kind of represent their interests. There wasn't much to that, it finally kind of drifted away, but it was quite a commotion around here for a while.

But that's Tugman. He could pick out something like that and really put it across. What he wanted to do was to point out that those judges shouldn't have been doing what they were doing, and he certainly carried his point. I don't remember of any other particular instances, but he was a very strong writer and of course, his editorials were as good as any editorials that I've ever seen in our paper through the years, and they had a great influence.

JS: Do you know why he went to Coos Bay? Why would he pick that area?

CALKINS: Well no. Reedsport.

JS: Reedsport, I mean.

CALKINS: I don't know. It was just kind of a retirement.

JS: Oh, I see.

CALKINS: It's a very small paper down there. He just wanted something for his tool, to keep telling the public what he thought. That was about it.

JS: Well, I heard Judge East's tape when he talks about the Muddy Road Incident.

CALKINS: I see.

JS: But I had also heard that Judge East had some problems with drinking, and eventually it did effect his career.

CALKINS: Oh he did. There isn't any doubt about it. As matter of fact, when I was going as a delegate –and I was his delegate – to the federal judicial conference, I became quite well acquainted with the president – I mean, not the president, but the chief judge of the federal district and circuit courts of the 9th Circuit. He finally, the chief judge, finally –his name was Dick Chambers – and he finally decided that something ought to be done about Bill East. So he suggested to East that he resign, and after the years had passed – and I can't remember, I think it was 15 years that you have to serve in order to get senior status...

JS: Oh, really. And he hadn't served that?

CALKINS: No. Well, he had almost. And so, when he had served that many years, he asked him to resign and take senior status. So, East was reluctant to do so, and we – Jim Dezendorf and Joe McEwen, both deceased now, Joe McEwen was from Coos Bay, very prominent lawyer down there – and the three of us went up there to see Bill in Portland to try to persuade him to do just what Dick Chambers had said, and he finally agreed and took senior status. From that time on, it really had an effect of straightening him out

completely about his drinking problem, and he served on, mainly on three panel groups as assigned by the chief judge. The chief judge didn't want him to sit by himself anymore because of that problem. He straightened himself out and he really worked his head off all during his later life as a senior judge, because he wanted to show that he didn't mean to do that and he wanted to make it right. It was very commendable the way he did, because he, right up to the time of his death, he was serving. Of course, any person that takes senior status like that, they don't have to work at all, and they're paid for their life. We were concerned too about his wife, that if he absolutely stood his ground and waited for impeachment, why, he could and she could lose anything they had.

JS: Benefits.

CALKINS: Benefits they had, yeah. So that's what happened about that. So Tugman was right in a way, about that problem. It's just, of course, kind of a sickness. I've been associated with a number of very good friends that have had the problem. I know quite a bit about it.

JS: It's a very difficult thing. At the time when he was being considered for the federal court, do you know anything about the trip, I think it's Norblad, to Washington? Could you talk a bit about that?

CALKINS: Oh sure. Walter Norblad – you mentioned his name there on that list – was in our class. He was a classmate of ours, Bill East and myself. He practiced law for a period of time, but as I told you before, his father had been governor, and he had a yearning to run for office and finally did run for the – I don't know which district it was, it wasn't our district, it was up, out of Astoria and on down to Salem. So he won an election, and he retained that seat for years. I don't know many years he did, but he was the Republican representative for that district at the time that Bill East was considered for the federal district court. As I told you before, he was in a position, since he was the only Republican

congressman or senator that was there at that time, why he had a great influence on appointments of that kind. Eisenhower was president and through the Attorney General's office, and through particularly William Rogers, who was in the Attorney General's office at that time, but was not Attorney General – who also was handling a lot to do with appointments, like Bill East was appointed to a federal district court.

JS: I got the Impression in listening to Judge East, that he went back to Washington, too, because of the Muddy Road Incident.

CALKINS: I don't recall that. But it very easily could have been true. But of course he did go back later. In those days, the president wanted to talk to any of his appointees. So I think he talked to Eisenhower before he was ever appointed.

JS: Oh really? I know he did after.

CALKINS: Yes. He did after. But I had the Impression that maybe through Rogers that he had an opportunity to go in, because of what had happened here on this thing.

JS: Let's see, how was Rogers connected, through some friendship acquaintanceship with...

CALKINS: Yes. He actually served in congress with Walter Norblad.

JS: Oh, I see. So they became acquainted.

CALKINS: They were acquainted ahead of time. They were still close friends when Rogers was at the Attorney General's office.

JS: How? – go ahead.

CALKINS: I was just going to say there isn't anything else that I can really tell you about Tugman. Just a general statement is what I mean.

JS: I thought of a question that occurred to me earlier: the tax of the utilities. Six percent seems fairly high. Why was it pegged as high as 6 percent?

CALKINS: Well, it wasn't pegged. Tugman – the statute says 3 percent. It doesn't even put that you have to give 3 percent. It's according to your finances. The city council, ever since the Eugene Water Board was established in 1911, has been after money. They see this utility making money and they're always short of money, and they've been after Eugene Water and Electric Board, and the Eugene Water Board before it, always, to get some money. Now, that's been true all through the years. Norman Stone's book there shows a lot of it. They've tried to control it, but the charter, the whole purpose of the charter, was to place this in a nonpolitical situation, where it would be run like a business, by separately elected persons who served without pay in the City of Eugene. That's the whole intent and purpose of it. And yet, as councilman come in from time to time, they think, well gee, why can't we get some money from them? Because they are the City of Eugene. So there's been that conflict all through the years. I've seen it very vividly through the time my father was city attorney and the water board attorney.

JS: Very early.

CALKINS: Yes, very early. And all the time that I have been general counsel, since 1949.

JS: How did Tugman rationalize it? I mean, if this is going to result in additional burden on the ratepayers, that wouldn't allow much room for argument. So how did Tugman argue anyway?

CALKINS: Well, he just thought that there would be kind of a nonprofit sort of a situation here, that there must always be a little cream on the top as you get through. But of course that's illogical, because if you're looking to the best interest of the ratepayers, why all that money should be there for the ratepayers. It made more sense then, probably, than it did now, because up to the time that he got this passed the ratepayers were all within the city limits of the City of Eugene. So it wouldn't make that much difference for a contribution over, because you're really benefiting the taxpayers as well as the ratepayers in the same area.

JS: It's another tax route.

CALKINS: Yes. That's what it is. And you just feel too – and his argument, one of his arguments was on the basis of: well, here's a utility, it's the City of Eugene, but it should be franchised just like anyone else and pay a franchise fee.

JS: I have a feeling in reading this history – this is just a comment – that there is some confusion in a way, or cause for confusion, in the way it's set up. And in the history of it. There's some confusion about its public nature and its private nature, and so forth.

CALKINS: It's a strange breed. There isn't any doubt it. Because it's a business instead of a political body.

JS: It's an unusual P.U.D.

CALKINS: No, it is not the usual P.U.D.

JS: OK.

CALKINS: But it's been an interesting history. And a great part of my time through the years has been spent on that principle, because here a few years ago – when was it? – they were going to try to change the charter so the city council could appoint the board members, and we fought that out. And actually Orlando Hollis did a wonderful job on that, because he had been a former board member of the Water board. He made a terrific argument there as a citizen and as a former board member, to the council, why they shouldn't do anything of that sort.

JS: Who was behind that move? Do you recall?

CALKINS: Oh it was the city council.

JS: Any particular individual?

CALKINS: No. No particular individual. But since this city manager who is now the city manager, and has been for the last, what, maybe pretty near ten years now, I don't know, he has caused us a lot of difficulty, but he just is following what the council wants to do. And right now they've been having hard times and they've been after us quite a bit, but they've kind of forgotten about it temporarily for the last few months.

JS: What's the intent right now? They want to increase the contribution?

CALKINS: Yes. They were trying to make it – you know, when we went into the Trojan project, why Byron Price got in the contract that the whole group, everybody that was in the Trojan project, would pay the City of Eugene a 3 percent tax for the share of the Eugene Water and Electric Board. So that was 3 percent at that time. They've been trying to get after us since that time. Since we pay 6 percent on everything else, that Trojan should be 6 percent, but that's a matter of contract. It was made. And that was the end of that as far as the Trojan project was, because we withdrew from Trojan and all the liabilities on the

Trojan have been assumed by all the other rate payers that are taking electricity from the Trojan project.

JS: That's a wonderful bit of history. We're getting ahead of ourselves a little bit, but I'm glad we are approaching this. We're building just sort of a background on it. I just thought of one other aspect when we're thinking about this tax situation. When – I need to ask the question – was EWEB part of the California intertie in some way in 1965, when it was established in 1965? I noticed that EWEB sells power to some California cities. So my question, I guess is, is the California intertie with B.P.A. [Bonneville Power Administration] part of this setup? And is this part of the argument – the fact that there are sales to California cities and some surplus power – has that been part of the argument?

CALKINS: Yes. That's been part of the argument. But what happened was, we built this plant out here at Weyerhaeuser, and because we didn't think we needed some of that power, why we have in the past sold power to California from that plant. But it doesn't have anything to do with our other facilities really.

JS: And the California intertie of 1965 is not related?

CALKINS: I don't think it's related at all.

JS: OK, good. I do appreciate the introduction to that subject. We'll be getting to it pretty shortly.

CALKINS: I probably told you everything I can tell you about it.

JS: Well, there is one other thing that I noted about Judge East. Well, a couple of questions – I noted the fact that your father helped him get started in law practice. You know the particulars about that?

CALKINS: Yes, I know the particulars. Judge East to his dying day had my father's picture there in his chambers, because he just thought everything of my father. At the time – incidentally, tied up with Judge Harris, Judge East was working in Judge Harris's law firm at the time he went into the service, and when he got back from the service, his name was already taken off of the door, and Bill Riddlesbarger was on there instead. That firm never told him that he was through, until when he got back. He was in a kind of a tough situation and he had to start by himself again. So, my father at the time that he was – he stopped court reporting in 1921 – he had been asked by Charles Hardy who was a well-known lawyer here, to go into his office, and my father went into his office and kind of acted as a part-time stenographer, and also to practice law. And through the years he was in that office. At the time, about the time, at the end of World War Two, Charles Hardy died. He had a long-time stenographer in there, and she was without a job. Charlie Hardy hadn't made any provisions for her or anything. And my father had the bright idea of getting Bill East to take over Charlie Hardy's law practice. So he did so. At that time my father was, since 1929, had gone to his own office, and had separated from Charlie Hardy, but of course he was very friendly with the office, and was then associated with my uncle. So, he established Bill East in that office of Charlie Hardy's. Mrs. Johnson, who was the secretary, was then the secretary for Bill East, and when he later went on the bench, she went with him.

JS: Oh, is that right?

CALKINS: Yes. When he became a circuit judge, she went with him. So my father kind of helped him considerably to get started, because of kind of getting kicked out of Judge Harris's office. That's the whole point.

JS: Did your father know him through you?

CALKINS: Oh yes. He did, because he was a classmate of mine. When we started practicing law in 1932, it was a pretty small bar, you know, about 25 lawyers or something like that. Everybody knew everybody else.

JS: I remember that East, his relationship with Harris, is this Judge Harris?

CALKINS: Yes.

JS: His relationship with Judge Harris wasn't really too amicable?

CALKINS: No.

JS: I detected that. Can you tell me something about Judge Harris? Would you like to offer some comments on him?

CALKINS: Yes. My father didn't have the greatest respect for Judge Harris either. He thought he was a little bit of a stuffed shirt. But he was a very dominant figure here. He was the one that anybody went to that wanted something done. I marked down here – where is that? – about Judge Harris. I remember he told me one time, things don't just happen, someone makes them happen. That was his attitude about getting anything done, politically or otherwise.

JS: Judge Harris?

CALKINS: Yes. He was very particular about dotting every 'i' and everything of that sort. He was willing to go in any place, any time. As a matter of fact, in a justice of the peace courts, which was the predecessor to the district court, he would go in there and try cases before a six-person jury, with all his prestige and everything like that. He would just fight any place. He was ready for a fight any place. I tried a number of cases against Judge

Harris in those early days. And it was very beneficial to me, because I got a lot of experience out of it.

**[End of Tape 4, Side 1]**

**Tape 4, Side 2**  
**1986 July 25**

JS: I certainly wouldn't want to stop there. I want to hear some of the experiences.

CALKINS: Well, Judge Harris was – I had something in my mind to – I get the impression from my father and otherwise that he wasn't very good with people that were under him. My father, you see, was his court reporter for years, until about 1912 or something like that, when Judge Skipworth came on the stand. When Judge Harris went to the Supreme Court, Judge Skipworth was the appointed judge here. My father got along wonderfully with Judge Skipworth, but he didn't like the treatment that he had from Judge Harris, although Judge Harris thought that my father was a very fine man. But he just was a little bit overbearing, I guess, or something like that. But as I say, Judge Harris was a really respected person in those early days here. Even when I was practicing, everybody thought he was kind of the head of the bar. And he took that position and enjoyed it. He wrote some fine opinions up at the Supreme Court.

JS: Oh did he?

CALKINS: Yes. But that's about all I can say about Judge Harris. He was a very accomplished person, being a judge. It's kind of unusual for a Supreme Court judge to come back to where he was practicing law and where he was a circuit judge, and to have the enormous energy that Judge Harris had in trying cases of all kinds. I thought it was quite unusual. I never – you don't hear of people doing that.

JS: After the Supreme Court, did he come back to the bench here? Or back to private practice?

CALKINS: No, back to private practice. And he established the firm of Harris, Smith and Bryson. He was the head of that firm.

JS: I'm interested in knowing what his influence was and how he exercised it. I don't have a clear picture of that. In the community, do you mean?

CALKINS: Well, he was quite a historian because he had been here in Eugene from the very early times. In the 1880s, I think. So he was kind of a historian about the whole situation and anytime anybody wanted to know what happened heretofore, why they could find out from Judge Harris. He had a very intent mind about facts that had occurred, and was very accurate about everything that had happened in this community. People had a natural respect for him, because of that.

JS: And you had some encounters with him in court that were instructive? How was that?

CALKINS: Well, I just tried some cases against him that's all. It was just good to try cases against somebody that was really supposed to know what they were doing.

JS: He was just very sharp on the bench.

CALKINS: Yes. I never tried a case before him while he was a judge, no.

JS: Oh, I see, okay.

CALKINS: No. I tried cases against him, when he was practicing law here, after he had come back from the Supreme Court.

JS: Anything in particular about his style as a – in the courts?

CALKINS: I didn't think it was absolutely the best style. He had kind of an ancient way of putting things. He would always emphasize things by saying them a number of times. He would talk to a jury and express it specifically about that, and then he would just do it right over again. That was one of his traits that I always noticed, that he really put the point across.

JS: A little parental.

CALKINS: Yes, that's right. And, as you know, in a small community like this, he would have a great influence on most juries, because he – everybody knew who he was, that ever came on a jury.

JS: OK. So weight of reputation.

CALKINS: Yes. If he said that was the law, it must be.

JS: Could you tell me something about Judge East's manner as a judge?

CALKINS: Oh yeah. He was about as nice a judge as you could appear before. He had the reputation of people thinking, and lawyers thinking, he doesn't seem to be for either side. That was a very fine reputation to have. I know in the times that I've tried cases before him, during that six years that he was here – and I tried cases before him in the federal court also – I had a feeling that however he ruled, he might know better than I do. And he did it in such a gracious way, that you just couldn't be upset about what he had decided. As everybody said, he looked like a judge. He was what you always imagined a judge should look like. He had a way – I've heard Otto Skopil, Judge Otto Skopil, who went on the federal bench after Bill East, he told me that he wanted to be a judge like Judge East. He thought that Judge East handled a court the way it should be handled. I've seen and

tried cases before Judge Skopil. I've tried cases when he was a lawyer, with him. But I've seen Judge Skopil on the federal bench, and I think that he has – if he copied East, he does it wonderfully.

JS: Oh really? You see a similarity?

CALKINS: Yes. I see a similarity in the way he handles trials.

JS: Is there a way of pinning that down a little more?

CALKINS: Well, just a very gracious way. He's on the ball and understands what he's doing, but he does it in a very gracious way. We were defending a very prominent doctor here, an orthopedic surgeon in a leg-off case, it was a very serious case, and this doctor, he was a very peculiar guy, but a very highly intelligent person, and was better in sports medicine than anybody else, and had credentials just a mile long. But before the jury, he wanted to get in an X-ray. I told him you can't introduce that X-ray. I said I will suggest it, but that's it. So I did suggest to introduce it, and Judge Skopil ruled against it. He was standing up before the jury at the time, and he just looked at the jury, this orthopedic surgeon, and – like that. If that had been some of the other federal judges, he would have got a lacing down right there.

JS: Just kind of a simple demonstration.

CALKINS: Very simple, but it showed the jury his complete discontent with the judge. So, Judge Skopil dismissed the jury, and said, “Dr. Slocum,” he said, “you have done something that I don't approve of,” he says, “I came up here in Eugene, and I know who you are and I have great respect for your work, but,” he said, “I'm not going to be able to put up with any conduct of that sort, and I want you to plainly understand it.” And dropped

it. He was a much better boy after that. But I mean, he handles a situation like that in a way that doesn't upset the apple cart and make everybody – like this about everybody else.

JS: Skopil is being interviewed for the history committee by the Oregon Historical [Inaudible].

CALKINS: I see. Well, he's as good as they are.

JS: Did you have some experience with Judge Solomon in your career?

CALKINS: Oh yes. Sure.

JS: Could you describe his approach and his manner in court?

CALKINS: Well he's kind of the opposite of Judge Skopil or Judge East, and yet he's not a bad judge. I've always felt that I could get along fine with judges that really come down on you or something like that, and I don't mind their strictness at all, because I'm not going to try to pull anything. I've always been able to get along with those kind of judges, because I think that they understood that I was going to toe the mark and I was going to respect them and I was going to do anything I could for my client, but I wasn't going to undercut them at all. So I got along fine with him. Judge Solomon is a very bright person. He just amazes me with the way he comes up with things. He's very bright. But, that's all I can say. I've had very little experience with him.

JS: Were you aware of the kind of reforms, I guess you would call them reforms, procedural changes to facilitate things in the court system – setting up the calendar in a different way, and controlling the calendar, and other means, depositions and so forth – in effect, I think producing paper trials that were conducted by deposition more than by testimony of witnesses. Could you comment on that?

CALKINS: Well, I just generally don't like it as well, that's all. See, I'm now on that senior advisory board of the 9th Circuit Court of Appeals.

JS: Oh are you?

CALKINS: I was appointed last November. So that's what we're looking at all the time, is the system. There are nine of us. Four of them are from northern and southern California, one of them from Seattle, and one of them from Boise, and myself, in the nine states. This is new to me. I've been to two of their meetings, and we have another one in August at Sun Valley at the regular [Inaudible]. I don't especially want to comment on those things, except to say there's too much of it, and I don't think that all of the federal rules that have drifted down into the state courts are a very good thing, because I think it takes much more time, and I think the discovery goes so far, much farther than it should.

JS: Now I remember I did raise this subject once before. We did talk about it. Is there another person you had in mind that you'd like to introduce?

CALKINS: Well, I'll speak a little bit about Judge Skipworth, and also about Judge Goodwin, and actually just a small comment about Leavy. Judge Skipworth, like Judge Harris before him, was the only judge in this county. He was the circuit judge and went some other places, but he was the judge that resided here and had all the cases. In the days that I used to appear before Judge Skipworth, there were just three terms of court. Maybe they would take six weeks or something like that. So there were those three six-week periods, and the rest of the time you didn't have any trials. Judge Skipworth was a very alert and fair judge. I've heard him say that – he had a very practical way about cases. He'd have tough questions that would come up – and you know in those days the Oregon Reports weren't so expensive, and you had to look at a lot of the other states that the jurisprudence being so much older than ours, rather than right here in Oregon; nowadays

there's practically everything that's been decided here, so you have cases to go directly to that absolutely control it. But in those days there were a lot of times when one state would be one way and another state would be another way, and you'd have to kind of decide what was best. And he had a way, I remember he used to say, "Well," he'd say to the lawyers, "I've got to take one horn or the other of this dilemma." And he would decide it.

He told me one time that Judge Norton, the judge down in Grants Pass, when he was just an early judge, he told Judge Skipworth, he said, "George, don't give your reasons. You might be right."

I thought that was quite an excerpt. And for Judge Skipworth to tell me that he was told that. Judge Skipworth wrote that to me when I went into the Navy. Actually I have tried to – whether that was right or not, what he said about me – but I've used that as kind of my fatherly advice on how to conduct myself.

JS: Oh, is that right? Maybe we could get a copy of that.

CALKINS: It meant a great deal to me, and I've just felt that it was important, after I had practiced 12 years before I went into the Navy. I just thought that's a good thing to follow. It's kind of like some poem or something like that that you try follow.

JS: Can you briefly describe what it is? The scenario.

CALKINS: Well, maybe I can just tell you a paragraph. It just says here...

JS: What's the substance of it?

CALKINS: He says, "Reputation is what people say about a person, but character is what a person really is. Mr. Calkins's reputation for morality, honesty and integrity is of the very best. Not only is his reputation in this respect the very best, but he is a man of fine

character. He is honest, industrious, and a lawyer of splendid ability. In all my years of experience as a trial judge, I have never had before me a young lawyer who surpassed Mr. Calkins in professional ethics, in fair presentation of his case to the court or jury, and without sham or fraud. There can be no higher recommendation to any man than by saying that his character and citizenship is of the highest degree. He is mentally alert and a young man of fine attainments, sensible and practical in all things. I most hardily and unhesitatingly recommend him to any position in the naval forces of the United States to which he may be assigned. I know he will give a good account of himself.”

JS: So, you not only are able to accept this praise, but it also becomes in a way an injunction...

CALKINS: Yes, to try to live up to. That's the way I've felt over the years. I haven't looked at that for a hell of a long time. But I just have it there and once in a while I do look at it.

JS: A special way of accepting praise and using it. This was the occasion of the naval...

CALKINS: Going into the Navy.

JS: So we did run into a person who has real significance for your narrative.

CALKINS: Oh yes, absolutely. He meant a great deal to me. But the funny part of it is, he was such a great judge and I just respected him so, but there through the 1930s he was, of course, being paid a regular salary. His family was pretty well up and everything, and yet he was the damnedest debtor you ever saw. He never would pay for anything. And I know on occasions where he'd – everybody in those days was him as circuit judge circuit as judge, and they were kind of scared to dun him too much. On one occasion I know that he went up to Albany and borrowed some money up there, because he couldn't get

anybody down here to loan him any money here, because his reputation was kind of established that he wouldn't pay on the nose.

JS: It was a real definite reputation.

CALKINS: Yes. He just had no control over his personal affairs, financially. He was always short of money. Everything else about his character was just perfect. That's just a human being for you. OK, that's all I got to say.

JS: I wanted to ask you, what is the connection between him, is there a direct connection between him and the Skipworth Home?

CALKINS: Oh yes. The juvenile Skipworth Home was named after him.

JS: Was he interested in that work?

CALKINS: Oh yes, he was. He was definitely very interested in everything of that sort. He was interested in that and he handled lots of those situations. He was the promotor of putting it together. He thought it ought to be done, to have a place like that for juveniles, instead of throwing them into jail. He had a lot to do with that.

JS: Good. I thought there had to be a real connection.

CALKINS: Now, as far as Goodwin is concerned, I don't know whether I told you anything about him before or not.

JS: A little, he has entered the conversation a couple of times. Ted Goodwin.

CALKINS: Ted Goodwin, he was from Eastern Oregon. He went through school here and went to journalism school. Then I think he worked some on the paper. But he went to

law school and graduated here in law, and he started practicing in a firm here that had a former professor, Charlie Howard, in it, but it was really the firm of Stan Darling, that you noticed was a member of the board there, who didn't want me as the lawyer for the Water Board. When he was in that firm, they had a fire, and he had another office, it was just a little cubicle. There was a situation here as to our judges. Frank Reid was on the bench. Bill Bartle, who had been my classmate and I thought everything of, wanted to be judge. I was concerned, because Frank Reid was a close friend of mine, I loved him and everything, but he was so lax and would not put things out; and Bill Bartle was the same way. He just – he was a very personable, nice person, but he was somewhat lazy. I thought if we got both of those fellows over there that it would be kind of bad for the system.

So I was looking for somebody, and I've always had the feeling that I liked the idea of young people going in as a judge early and carrying out that profession, rather than to appoint some old guy who is very experienced. So that's when I went to Ted Goodwin in his little office and tried to persuade him to do so, because he had taken care of the affairs, I mean taken care of the campaign of Mark Hatfield. He was very reluctant and didn't want to do it, because he didn't think he'd had enough experience. I tried to convince him that he had enough experience, and that I knew he'd do a good job, and he finally gave in and we put him up to the governor, and the governor appointed him. Then he was a circuit judge for a period of time.

Maybe I told you this story before, I don't know. One night, not night, it was about 5 in the morning, he gave me a call and told me that the governor had called him at 10 o'clock the night before and said he wanted his answer by 7 o'clock in the morning whether he would go on the supreme bench. He wanted to appoint him. He also called Glenn Jack in Oregon City the same night. We both encouraged him as a career judge, he should take any appointment that he got. So he took that appointment, and then he went ahead, and was later appointed to the federal bench. Then...

**[End of Tape 4, Side 2]**

**Tape 5, Side 1**  
**1986 July 25**

This is an interview with Windsor Calkins in his office in Eugene, Oregon.

CALKINS: And he was in Eugene here, Judge Goodwin came to Eugene and talked to our bar association after all these years. I've never talked to him about that or anything, and he's not talked to me about it. So he told this story about how I got him started and so forth. At the meeting, right after the meeting he came up to me and he says, you know, I thought I'd let that go long enough, I thought I better make it public. So that was kind of fun. But he's done a fine job all the way through. I think that probably he would have been appointed to the Supreme Court by this time if it wasn't for his – he's a little bit liberal, and through this administration he would be hard to get in there, because of the Reagan administration.

JS: So seriously, he would be considered?

CALKINS: Oh, yes. I heard that there had been some indications of it, and right now I think he's liable to, he's up for the chief there, he and one other fellow I think. I think Judge Browning is about ready to retire as chief judge of the 9th Circuit.

OK. All I can say, I just wanted to say about Leavy, who has been what I like to see, as I told you before, a very young person, he came here to Eugene and was a deputy district attorney. I saw him one time trying a case, I thought he did kind of a lousy job. He was – I didn't think he would make a trial attorney, and he was appointed a district judge, did a wonderful job as a district judge, and then as a circuit judge; and then you see he went up there to federal court and acted as a magistrate. That, ordinarily, when you get into magistrate, that's the end. They are not likely to get appointed as a federal district judge, but he was. He had the same sort of way about him as East and Skopil in handling cases, very courteous and everything like that, but there was something about his

demeanor that I never saw in another judge: the way he would give a finality to his rulings that he wouldn't be bothered by somebody starting to argue and keep arguing. He would have a way of saying, and it sounds very simplified, "The motion is denied." There was something about his personality that you gave you the idea, that's the end. And we'll go on to other business. I've always admired that, the tone of voice and the way he put it across. Very respectfully, "It'll be denied." That's all I have to say about him.

JS: I'm not sure that this is the place to comment on it, but since you are involved in this advisory board, but – well, should judges be elected? Does that get at the problem of judges who become too overbearing and don't serve well?

CALKINS: No, I don't think so. I like the idea of the federal system. There's something about human beings, if they're put in that sort of position, I think it brings out their responsibility better than it does if they're elected as judges. And they respect themselves, and they want to do a good job. The other thing about the federal system that I love, and that is, as far as examining the jury, the way we do it in this district, that is, the judge examines the jurors. Any lawyer can tell him anything he wants the judge to ask the jurors, but it doesn't just go on for days, examining a jury. A jury is examined in a half-hour to an hour, and I think that's a very good principle. But I like the federal system of the appointment of judges for life. I think they can be investigated to the hilt, and know all about them, but I think there's an aura about appointing them that instills in them great responsibility, and I think they carry it out.

JS: In the discussions about this kind of thing, what makes a good judge, there's sort of a separation over whether an active trial lawyer, or a desk lawyer, makes the best kind of judge. Do you ever think about that?

CALKINS: Yes, I just think a lawyer is in a better position to understand quickly what goes on if he's a trial judge. But at the same time, I don't think it's a necessary quality. It's

just like I told you about Judge Leavy, who to me didn't look like he was going to be a good trial lawyer. And yet he's a marvelous judge. And that's why I think that it's a little different profession. Now there've been some good trial lawyers, like Judge Skopil, who have made a very good federal judge. But I don't think it's a rule. I don't think you can say a business lawyer is going to be a bad judge, but I think he's less likely to be a good judge than someone who does other things.

JS: There's also the question of politics involved in appointments. Would you speak to that?

CALKINS: Well, I don't see how it's going to be changed, and the way it's handled now with all federal judges about appointments, you get a pretty good rundown on prospective candidates from the American Bar Association, because their committees are all set up to screen prospective judges, and it's handed over. And of course it's not always going to be followed, but you certainly have as good a chance to find out about them as anything. With respect to the appointment of judges by a governor, they are more and more following the bar polls.

JS: Oh, is that more the case?

CALKINS: Yes. Bar polls are always taken now, and the Governor knows how the bar is voting on a particular judge in a particular district. That's certainly helpful, except that the Association of Trial Lawyers are getting to be quite a force, and there are more members of that side of cases than the other side, which there's only just a handful. That association was originally started by [Melvin] Belli, of so-called "adequate award" purpose of it. I greatly disagree with that in observing it through the years.

JS: What does that mean, adequate award?

CALKINS: Adequate award really means that they are trying to get the most money for a plaintiff, and they call it modestly the adequate award. That's what they're trying to do, they say, adequate award. To me it's just fair compensation. I'm not in favor of changing the system all that much or anything, but there isn't any doubt but what it's so much more liberal to the plaintiff's side, and there's so much better chance for a plaintiff to recover than there ever has been. We deal with a system, we don't care. We'll do the best we can with anything that there is, but I do think no other country has any way of getting awards like we have here. Much less litigation, like in England. I've been over there and visited with lawyers, who are always on vacation all during the summer.

JS: Well, this is a period of a lot of litigation really, [Inaudible].

CALKINS: It's a substantial part of our business through the years. [Inaudible] was just up in Portland, tried a case this last week, malpractice case. So it isn't hurting us any, but I don't think it's right.

JS: That's something that really we should get back to, to talk about, because also the other current phenomenon of the attempts to get legislation to curtail awards.

CALKINS: Yes. Yes, that's right.

JS: So, let's do that, when we get into the subject of your work for Sacred Heart Hospital. Shall we now start our discussion of Eugene Water and Electric Board?

CALKINS: As I say, I don't have too much to say about that. I've said quite a little about it. I might just say that one of the – Ray Bolls was the – we call it superintendent instead of general manager when I entered as their lawyer – and Ray Bolls was an engineer entirely, and not kind of a manager or administrator type. He was a delightful person, I was very impressed with him, but he wasn't good along those lines. He was a very good engineer.

And during that time, the board were more conservative than they have been since that time; and up to that time they had been conservative all through the years, and were very good business persons trying to run it in the most economical way.

Byron Price came in, and he had been with Bonneville, and had been with the Army Engineers. He was a fellow that could really go out and influence the public and everything like that, and he was the one that had a lot of big ideas about what to do. It was his intent to work out this Trojan project, and he also had, on something we were defeated on here in town about the nuclear plant over on the coast that we were going to build ourselves, and that failed. But one of the wonderful things he did was that we have with the Federal Power Commission a license on this Beaver Marsh project up the McKenzie, which was a smaller project than this other project, the Carmen Smith project.

So we were defeated on this Beaver Marsh project and then Byron Price went up around the McKenzie and got those people to promote this Carmen Smith project. He was that kind of a guy, he could really get the people and get them on the situation. That Carmen Smith project is that picture over there, that blue picture, and it's been a wonderful thing. About that time, how they got into this nuclear sort of thing is that from those projects the board thought that it is more economical to have your own projects than it is to buy power, generally.

JS: Even nuclear?

CALKINS: Yes, that's right. So it worked out fine, but as the board later did it, it abandoned the nuclear project here, and as far as the existing nuclear project, they got out of it just smelling like a rose, because all of those obligations as I've told you are taken care of, and it doesn't cost us anything.

JS: In the beginning, when you were appointed, I'd like to know something about the seeming controversy about your appointment as counsel. As you mentioned before, it was opposed by Stan Darling. What was the reason for that?

CALKINS: Well, I just was thinking about that when you put it on your list. My father had been the city attorney, and the water board attorney up to 1946, and then Bill East was appointed city attorney and water board attorney, and he stayed with that for a year and then he pulled off, and was just water board attorney and resigned as city attorney. They had asked me to be city attorney and water board attorney, the council had, but I refused because I didn't want it, and I didn't think it would be separated. So then when Bill East was appointed as judge, they did come over. I had no idea what was going on, except that I had been employed by the water board, probably through Bill East, to bring a condemnation for the filtration plant out there by the McKenzie River. There was a real contest about that, and I tried the case, and then they took it to the Supreme Court and we prevailed on it. So I had done that. Well, I think that Stan Darling thought, well, he would concede that I was a good trial attorney, but he didn't think that I would be any good at representing a utility. So he had a fellow that always voted with him there from the university, he was a professor at the university, and he always went along with what Mr. Darling said. That's what the other three members told me later.

But I was in the complete dark about this thing. All I know is that Ray Bolls came over to me, to my office, and he was the superintendent of the water board, and asked me whether I would accept appointment as attorney, and I said, well, yes, I will. So then he went back, and at that time Darling was still working [Inaudible], I didn't know. So he came over again, and he said, will you attend all the board meetings? And I said, no, I don't think it's a good thing, because it's a matter of policy that we'll get into, and I'll appear at any time before the board, but I won't sit with the board for every meeting. So that's when he went back and came back and says, okay, you're appointed. I didn't know until years afterwards that there was any opposition to my appointment.

JS: Oh, I see.

CALKINS: That's what I've decided from what I've heard in the past about it. So that's the way it happened.

JS: I don't quite understand your position on attending board meetings. Was it to...

CALKINS: It's because I've seen board meetings before I was ever asked this, and I know when a lawyer is representing a group or an institution, if he sits there through all those board meetings, some of the members of the board get to relying on him, and ask him questions that aren't legal, but just ask his opinion about things, which I don't think you should get into.

JS: You didn't want to become a member of the board?

CALKINS: I didn't want to become a member of the board and have an influence on that board, whether they were conservative or liberal or anything else. I wanted them to decide those questions and not myself, and I would be ready at any time there was any legal problem at all to appear immediately.

JS: Did this affect your relations with Stan Darling in subsequent years?

CALKINS: Oh, it never was very good, because he was a real climber. He wanted to be city attorney, and he wanted to be various things here. I didn't like his attitude about it. I know that I heard – there was a fellow by the name of Julio Silva, who had a Chevrolet agency here, and we had represented him on that – well, he went to the Rotary Club and Stan Darling was talking at the Rotary Club about wills, and that only a few people knew how to draw wills and so forth. So he drew Julio Silva's will. About a month after that, Julio Silva came to me, says, Windsor, could I ask you a question? He says, Stan Darling drew this will for me, and I just don't understand it. Could you explain it to me? I said, yes, I can

explain it to you. And I pointed him out, and found out what he really wanted. So I made a new will for him.

JS: What was wrong with that will?

CALKINS: Well, I can't remember specifically, but it was not what he wanted, that's the whole point. No, there was nothing legally wrong with the will, but Stan Darling insisted on having it the way he wanted it instead of Julio Silva. That was one of the little entrees that I had. But he had promoted himself so, that I thought was quite unprofessional, and I didn't like him for that reason.

JS: And he later became city attorney, is that right?

CALKINS: No, he never did. He was on the water board, but that's all.

JS: And he was a partner of Ted Goodwin?

CALKINS: Yes, well, Ted Goodwin was just a young fellow in his office there.

JS: OK. But Stan Darling was part of the team that began to change policies, right?

CALKINS: Yes, that's right. I think he was part of the team that had to do with going outside the city. To that time, all of the ratepayers were inside the city, except for the line that goes up the McKenzie where our dams were. He had to do with expanding that. There was some controversy in the board itself about that. But that's the way they did. They finally took the principle, which I approved of with respect to serving areas on the perimeter of the City of Eugene that were likely to be annexed into the City of Eugene.

JS: That was the argument for doing that, wasn't it?

CALKINS: Well, that was my argument, certainly, for doing it.

JS: Why I was interested in that, when they began to go after mountain states, you were pretty busy with all of that I would imagine.

CALKINS: Yes, I was. Because what we finally agreed to do was threaten them with condemnation of [Inaudible]. There was a P.P.&L. [Pacific Power and Light], but it was formerly Mountain States.

JS: P.P.&L. was beginning to take them over, is that right?

CALKINS: What?

JS: P.P.&L. was beginning to take over Mountain States.

CALKINS: They'd already taken over. We dealt directly with P.P.&L. to purchase the territory.

JS: Can you explain to me the rationale for the condemnation and how that works. On what basis could you apply for this condemnation?

CALKINS: What condemnation?

JS: You were saying, there was going to be condemnation of the P.P.&L...

CALKINS: Oh yeah. Well, they were a private corporation. So as a public corporation we would have the right to take that territory if we paid just compensation for their work.

JS: That's under the Bonneville Power Act?

CALKINS: No, it is not. It's just under the statutes of the State of Oregon, the right of condemnation of a public body. Now, a utility, a public utility like Mountain State Power Company has the right of condemnation against private parties, but they don't have the right of condemnation they won't be heard as against a public corporation. I mean the public corporation has more power of condemnation than the private utilities, like the telephone company.

JS: So EWEB was never set up as a P.U.D. [Public Utility District]?

CALKINS: No, it never was. It was just a department of the City of Eugene.

JS: Okay. Now, in this book, this history of the Eugene Water and Electric Board, Bountiful McKenzie, Mr. Stone does talk about the seeming inconsistency of acting as though they were a public body and...

CALKINS: Well, that's just a technical matter. In other words, the whole thing is, the charter of the City of Eugene – it's very simple [Reads]: “The power of the City (that's Eugene) to generate, collect, and distribute electricity, steam, and other kinds of physical energy is hereby vested in the Eugene Water and Electric Board. The board is composed of five directors,” and so forth, “to be elected in the...” – and then, “the board shall maintain and operate the water utility and electric utility of the City subject to the control of extension of service outside the City.” That's the only power they have. All the rest of the powers have been put in this department with this elected board to operate. So the City

itself doesn't have the right to operate this department, because in the charter they put that power in the board.

**[End of Tape 5, Side 1]**

**Tape 5, Side 2**  
**1986 July 25**

CALKINS: You see, when we sue somebody, we use the name of the City of Eugene acting by and through the Eugene Water and Electric Board. That doesn't mean the city has anything to do with it, but we are a department of the city and we have full power under the charter to do our own business. So we sue and be sued through the fact that we are a part of the City of Eugene. But we're separate. It's a unique sort of a thing.

JS: What are the advantages of that?

CALKINS: There are a lot of advantages, being a municipality, and at the same time we are operating independently. Those two factors are a help to us, so long as the city fathers don't bother us.

JS: Was there controversy on the board when they began taking over this property that PP&L [Inaudible]?

CALKINS: No, I don't think there was too much controversy.

JS: They were pretty unanimous in following the leadership, there's no lead?

CALKINS: That's right.

JS: Robert Short was quite a factor in this, too?

CALKINS: Yes, that's right.

JS: He was editorial assistant? Was that his title?

CALKINS: I don't know.

JS: What was his title?

CALKINS: He's now head of General – what's the name of the other utility up there in Portland?

JS: P.G.E. [Portland General Electric]?

CALKINS: P.G.E.

JS: Yes, that's right.

CALKINS: He's now head of that. I think I told you one time that when we were in Washington, I had a discussion with him one time, way back when he was just sort of a publicity man about here, and he said he always wanted to have his picture on the cover of Time.

JS: Oh, it that right?

CALKINS: That was his ambition.

JS: No kidding? That's very ambitious.

CALKINS: Yes, I'll say.

JS: How was he going to do it? Any ideas?

CALKINS: He didn't have a specific plan, but he said that was the ultimate that he wanted to accomplish.

JS: Then they went out and hired Ray Kell? You knew Ray Kell, Kell's background, right?

CALKINS: Darling is the one that suggested Ray Kell, and he evidently convinced him to use him, and that's all I know about it.

JS: Even though you weren't a member of the board, what was your opinion of that? Your thought about that at the time?

CALKINS: I didn't think we needed Ray Kell, but I wasn't going to say anything.

JS: Because he'd been a public power advocate for a very long time.

CALKINS: Yes.

JS: When the public power – this is a political question – in the public power debates and issues of those years, back in the Eisenhower years, with the change in B.P.A. policy and that sort of thing, what were your politics, if I may ask, on the issue of public power?

CALKINS: Well, as a matter of fact, with the situation as it was then, and the way we were operating, I was pretty much in favor of it, although it wasn't really the conservative approach. Byron Price was just like a private power person, and he operated the Eugene Water and Electric Board pretty close to the way P.P.&L. was being operated, or any of the other private utilities. As far as what we were doing was concerned, it wasn't operating just as a public power institution. That was my impression at that time.

JS: So you would say, for instance, EWEB could be compared with Seattle Power and Light and look better?

CALKINS: Absolutely. That's right.

JS: Because of management policies?

CALKINS: Yes. That's what I would think.

JS: What in particular was more efficient or more effective in management?

CALKINS: Oh, I don't know. Except that I know that we were great friends with PP&L, as we operated, mainly because of Byron Price. And he was kind of following their policies. I don't know what to say specifically about it, but I just know he was on a number of things.

JS: I wonder if that might have some relation to his Corps of Engineers background?

CALKINS: Very easily, very easily. And of course, with his connection – he was an assistant manager of – you know, where we get all our power.

JS: Oh, B.P.A.?

CALKINS: Yeah, B.P.A. He was an assistant manager of that before he came down here to operate Eugene Water and Electric Board. So he was pretty well indoctrinated in public power, but at the same time he acted like a private corporation.

JS: I notice also in their labor policy, in setting up their nonunion personnel policy, that it would be more like a private...

CALKINS: Yes.

JS: Were there any difficulties, any labor issues that you ever encountered?

CALKINS: No, we never. They approached us, a number of times, but our people have always gone against having a union shop. The reason is that we have stayed with what anybody else is being paid all the way through the years. It's very satisfactory that way.

JS: I'll bet that precluded any labor problems.

CALKINS: You see, the city has a union shop, but we've never been caught up with them.

JS: I'd like to move ahead to the – if it's all right with you – to the involvement and then later the withdrawal from the Northwest hydrothermal power plan, and the involvement, I understand – well, perhaps I'd better ask you to explain briefly what the involvement was, and then after that I would like to ask you about the distancing. I think that's kind of a key question, is the distancing of our plant here from the power plan, phase two. If I'm asking too much at once [Inaudible].

CALKINS: I don't care to answer about that because our attorneys, our special attorneys in Portland, the Schwabe firm, know so much more about that and have been so much more connected with it than I have been, because, as you know, I employed them. I recommended that they be employed at the time, way back when the Carmen Smith project was on, when the contractor sued us, because it was the federal courthouse, we had no federal courthouse here, and I didn't see, with my trial work, how I could be into that up there. And from that on, they have got into these other things, and they have handled that phase of the situation ever since. I made – I've not tried to help or do anything about it. So they would have to be asked about that, as far as I'm concerned.

JS: So when it comes to the basic question for withdrawing from it, do you have some information on that particular question?

CALKINS: No, I don't. No. I would rather have you ask Rocky Gill in Portland.

JS: Rocky Gill?

CALKINS: Yes, in the Schwabe firm.

JS: Rockne Gill. Rockne?

CALKINS: Yes, it's really Rockne, but they call him Rocky. He has been the main person that's been handling our work up there, and there's several lawyers that have been working with him of course out of that firm. Pretty costly for us, all right.

JS: They also have other clients don't they?

CALKINS: Oh, yes.

JS: They're directly involved?

CALKINS: Yes, they're thoroughly involved and they're experts on it. I mean, there's nobody else that knows any more about it than they do.

JS: But the upshot is that EWEB is free of the WPPPS fallout, is that right?

CALKINS: Oh yes. We never were in it. Pretty lucky.

JS: I'll say. I should explain that my asking these questions comes from reading a book by Stone, and I thought that some of his statements on it were enigmatic. They didn't convey enough meaning to get an explanation of that particular thing. I saw that as crucial, and I had been talking with Alan Hart – who just finished his suit, the suit against him that's been completed successfully for him – and he was talking, sometimes over my head, I followed as well as I could.

CALKINS: I think he was talking over my head, too. That's the reason I don't want to get into it, because I don't know enough about it.

JS: Well, I thought that the most obvious point, the one that really came home was the dry hole concept in phase two, the responsibility for the insurance in effect that was provided by Bonneville Power was no longer there, and I think that's going to be kind of a part of the questioning of this, is what were the factors?

CALKINS: Well, the whole thing is, you've expressed it. I don't know enough about it to accurately answer.

JS: Fine.

CALKINS: So, have we covered everything in the world, that I know?

**[End of Tape 5, Side 2]**

**Tape 6, Side 1**  
**1986 August 1**

This is an interview with Windsor Calkins in his office in Eugene, Oregon.

JS: I thought it would be good to begin this afternoon by discussing some of your civic activities, and apparently I guess you weren't in coaching, but you did serve a term with the State Bar Association, is that right?

CALKINS: No. I have been on certain committees and that sort of thing, but I have never had an office with the State Bar. I was asked many times to run on the Board of Governors, but I was unable to do so. I felt I was in a position at the time I was asked that I just couldn't do it.

JS: I think I must be talking about the Lane County Bar Association.

CALKINS: Oh yes, well I was president of the Lane County Bar Association. I presided and went through a year in 1940 as Lane County Bar president, and that's about all there is to that.

JS: Was it mostly an honorary sort of position? What duties?

CALKINS: As president you always appeared for the Lane County Bar, anything that came up or any situation where any activities that took place while you were head of the bar, you always had to appear at social things and also to handle the bar if there was any question about how the courts were being run at that time. On the various committees you were active and that sort of thing, because you were the principal person to appear for the bar.

JS: So there weren't any great issues when you were there?

CALKINS: Oh no. When somebody was receiving some appointment or something like that you were always there, and that's about all there was to it in those days, 1940.

JS: What other civic involvements would you like to include?

CALKINS: Well, all there was to it, I was president of the Active Club, which was a regular luncheon club that was trying to do good. I remember I wasn't a very good organizer. I did an awful lot of the work myself in selling things and trying to get money to help various projects. It was just a service club, like the Rotary Club or the Lions Club or the Kiwanis Club. I've always felt that those service clubs, they do some good, but I don't feel they do a great deal of good. It's kind of something that people get into to be recognized and to know their community better, and that sort of thing.

When I was on the City Health Board for a period of time, and actually, E.D. Furrer was on the board at the same time I was. He was a great contributor to the situation, being a pathologist and trying to check on things of that sort. It was a nice experience to serve on the board, and that's about all I can say about that.

Then you mentioned here – that was the City Health Board – and the school board, I really enjoyed, because I thought we did something. There were two things that I recall. One was that – that was during the war, it was about 1942 and 1943, then I went off of the board early 1944 when I went into the service, and that was the war years – and during the time I was serving, we established a vocational school. There was a Geary Grade School out on the west side of town, on about 4th or 5th, I can't remember just where it was, and we established a vocational school there, a regular trade school or industrial school, for the purpose of educating veterans as they came back. I remember that our school board had its picture in Yank Magazine, which was the service magazine overseas, because of the fact that it was an unusual thing in the country to start a provision

of that kind to help young veterans coming back here with nothing else to do but to find some help in a school to go to work.

The other thing that happened while I was there was to establish a new Eugene High School. We hired the architect and commenced the construction on the Eugene High School that's there on 19th Street, where I am. There was quite a controversy at the time, because they felt that that was a swampy area, and it was an improper place for a high school, which I had already considerable experience at being right across the street from the property that we got to build that high school. Of course, we got it at a very reasonable price, just because everybody thought it was a swampy area, but as it turned out it came out just beautifully, and it's there today and called South Eugene High School now, instead of Eugene High School. It developed into a fine high school. In fact, the credentials scholastically of the high school are the highest in the state.

JS: I'm really interested in that, because I'm familiar with those places. I would like to ask you about the vocational school. Did it continue? And did it take other than vets and service?

CALKINS: Yes, it did. It just did that. It was going strong when I came back from World War Two in 1946, and it went for a considerable time after that. I'm not sure how long, but it served its purpose. It was expanded as time went on to take more students, and really worked out very well.

JS: How did they fund it?

CALKINS: They funded it from contributions, although it was a part of the school system when we first set it up. I don't recall how it developed, because I left in the middle of it and was gone in World War Two, and had nothing more to do with it. I'm not just sure how it was handled. But it worked out fine.

JS: Sounds kind of like a community college.

CALKINS: Yes. It's just the same as what a community college is today. I think the only reason it finally was probably disbanded is because of the community colleges coming in.

JS: Do you know of the effect this may have had, or do you ever hear about any inquiries from other places or any imitations of it?

CALKINS: I'm sure there were at the time, because it had plenty of publicity about what was being done. It was a very appealing thing during the war.

JS: Sure. The Eugene High School, the move to the new high school. Did the Amazon flood after that? That's the Amazon plain, right?

CALKINS: Oh sure.

JS: What happened to the flood danger?

CALKINS: Well, there was in the background the idea of putting a street through there on Patterson Street, where I live on and right across from the high school. That was a great development. The storm sewers were put in there at a later time and there was no problem at all.

JS: Didn't it get some federal money to align the Amazon [Inaudible]?

CALKINS: Yes, they did. All the way through Eugene, and that made a lot of difference, because there were various drainage systems from the area, even back of the high school and on up through there to the south, that go into that Amazon.

JS: I'm also kind of alerted by the name Emil Furrer. Rather a major figure in town, in a quiet way, I think. I wondered if you could talk about, beginning to talk about, Sacred Heart University – Sacred Heart Hospital rather – and your experience there. Or while you are talking about it, if you would give us a picture of Emil Furrer and his work.

CALKINS: Well, of course, he had to do a great deal with the starting of the hospital by the sisters. There was a Mercy Hospital up to the west of Willamette Street, up on College Hill, right close out there, and that was the main hospital. Then the Christian Church established – the Pacific Christian Church, which was on the site where the Sacred Heart Hospital is now, and that was a modern hospital in those days, and it proceeded all right for a period of time, but it was only about six years or approximately that amount before it got into financial trouble and couldn't make it. So it got worse and worse, and there was a bankruptcy, and there were trustees that were holding the hospital. And really, Emil Furrer got the bright idea of trying to persuade the Catholic sisters to take over that hospital, because he knew that this particular order had a hospital in Bellingham, Washington. His first talks with them didn't go very far, because they just thought that they didn't have the funds to do something about it, but he talked to them further and they became somewhat interested.

Arrangements were made to have them come to Eugene and talk to the people. When they came to Eugene they decided to employ my father as their attorney, and there's evidence through Father Leipzig, he kind of put together a little history of this thing, which they had a meeting in the lawyers for the Pacific Hospital, and then the other interested creditors and that sort of thing, and my father was there and the sisters were there. Agatha – I can't remember the sister's name or the mother's name from New Jersey, it was that order from Sisters of St. Joseph of Newark, New Jersey, was their name – and mother superior came out here and met with everybody in this law office, and my father was there. It turned out that they suggested through mother superior that the sisters pay \$50,000 for the hospital. Well, the other side just thought that was impossible.

As a matter of fact, the sister superior had told Father Leipzig that they would go to \$60,000, but evidently my father with sister superior said you stick on \$50,000, and just show an indication that that's what you'll do and that's all you'll do, because, he says, I think it will go through. So that's what they did, and Father Leipzig was greatly surprised when he came to the meeting to find out that the sisters were standing firm on \$50,000, because he thought they would go to \$60,000. Even Emil Furrer was very anxious for them to go on up there, but they absolutely said that they wouldn't, and they said they had to return; and they said, if you stay this evening maybe we can talk more about it. Mother superior said, no, I'm sorry, our commitment is going, and we are going back by train this afternoon to Bellingham, to Washington. So they just left and the crowd that were really anxious for money at that time in the middle of the Depression, to get rid of it and pay the creditors off, submitted, and it was sold for \$50,000.

JS: Quite a difference in prices.

CALKINS: Oh, yes, I'll say. I think that when it was built there were 75 beds in that hospital. Then in 19 – it was built in 1924, I said it was about six years old, it was actually 12 years old when the sisters bought it. Then the first thing that was done was a six-story west wing, which was completed in 1941, which added another 100 beds. That cost \$50,000. Then there was a school of nursing, that actually graduated 600 nurses in 19 – it was founded in 1942, but through the years that they had it, they graduated 600 nurses. Then in 1946 to 1949, there was a new pediatrics department and physical therapy department, and a laboratory technicians school. 1951 they completed the east wing, and brought the capacity of beds up to 275. Then in 1952, they had started a medical intern situation so that there were doctors just out of medical school that took their internship there, and the capacity of the beds was 275. I know for instance Kendall Hills, who was the last few years chief of staff, he came up through that internship and stayed here. He was from Colorado. He came here as an intern. By 1952 they had graduated 54 physicians on that program.

In 1955 and 1960 nuclear medicine came in, and that was a big thing, because there hadn't been anything in the area at all south of Portland before then. And they had a new recovery room in the hospital. In 1965, they started on Project One, which was a five-story south wing, and brought the capacity to 366 beds. And they have an intensive care unit, and an obstetrical and emergency room, and became one of the leading northwest medical center roots at that time. That's when it showed to be really one of the real hospitals in the northwest. In 1967 to 1973 there was added a cardiac unit, and a catheterization lab; and at that time they put in a Johnson, what they called a Johnson unit, which was a psychiatric hospital, with 30 mental health beds. Then they also had radiation therapy and cancer treatment [Inaudible]. In 1972 they established the helicopter on top of the hospital for emergency situations and to bring in patients. In 1973 they started a short-stay unit that has been so successful. Then in 1973 to 1981 was Project Two, which was a six-story ancillary unit. They had various new things like ultrasound and rehabilitation services, and neonatal intensive care unit, and they have carried that on to a great extent. This is the center in most of Oregon for that sort of thing.

In 1983 they put out Project Three, which is the last construction that they have had. They replaced 200 outmoded patient beds and put a new emergency department in, and the renovation of many areas. They established the first adolescent alcoholic and drug unit, which has been very helpful to the community. Then they constructed the new physicians and surgeons building, which has an overhead passage over the hospital.

One of the big things that impresses me nowadays is what that hospital does for patients who are either unable to pay anything or who are under welfare. Each month I look over the Governing Board's report, and it has actually averaged per month from \$250,000 to \$450,000 per month of charge-offs for people who cannot pay. There aren't any hospitals except Catholic hospitals that do that, and insist on doing it. It's their purpose to take care of the poor, and they will continue to always do that, but it is getting to be a very large situation and there probably should be legislation to pass that around to other hospitals.

You mentioned in your situation about doctors. First of all, I might say there is a plaque of chiefs of staff of the hospital right across from the board room in the hospital, and the first doctor who was chief of staff is G. S. Beardsley, on that list. He was – I can't remember the date, but it was right around the beginning when the sisters took over the hospital – he was the first chief of staff. It's kind of interesting to me that he was a young doctor that came to Eugene in 1910, and he delivered me on the corner of 13th and Hilyard at my home, and he delivered my wife at her home on East Broadway, the same year, because each of our mothers had a doctor who was out of town at the time and so this young doctor Beardsley delivered us. And here we are still here at 76 years of age.

JS: Right. That's called good care.

CALKINS: You mentioned about doctors. I have had a very close relationship to all of the chiefs of staff through the years, because every time there is a new chief of staff –and their term is from one to two years – I have had close contact with the various problems at the hospital with those chiefs of staff. I have known them very well for that period of time. I have had close acquaintances with, like Lester Edblom and Carl Phetteplace, and some of those doctors who are deceased at this time, but what I say is, that to list the doctors that I have been associated with through the years would be almost impossible, because there have been so many of them.

JS: What was the nature of the work that you did with them? I'm a little – I'm starting from scratch – I am interested in knowing how you worked with them, what kind of problems that you worked jointly on.

CALKINS: It was mainly situations for persons on the staff to be admitted into the staff, and persons on the staff that either the committees, the executive committee, had decided they weren't doing proper work and should make some arrangements to either have their privileges cut down or be taken off of the staff. Then there are the – we have procedures,

which we have established through the years, with a fair hearing and that sort of thing, and it's become more and more important. I think in the early days of the hospital we could just eliminate somebody without any difficulty at all. But now we have to – for probably the last 20 years – we have had to see that they have every chance to show what their situation is. With the advent of antitrust cases that they can bring against the hospital for taking their profession away from them here at the hospital, it's a very touchy situation. That has been the main thing in our dealings with the chief of staff, in trying to direct the chief of staff of how to handle these human beings.

JC: How would that be an antitrust case?

CALKINS: Well, that would be in taking away someone's right to practice. In other words, you see an antitrust case can be brought against other doctors in a hospital if you have unlawfully deprived them of their profession or of part of their profession.

**[End of Tape 6, Side 1]**

**Tape 6, Side 2**  
**1986 August 1**

CALKINS: ...sisters are concerned, the ones that I have been closest to, first of Theodore Marie who probably- had the longest stay. At various times she was administrator three times. And Sister Madeline, with whom I was very close. Sister Bernadine, and Theodore Marie who – I mentioned Theodore Marie. Her name just, her full name, Sullivan, her name is Sullivan now, and I still keep in contact with her, because she is still in the service up in Washington, but she is no longer a sister, but she is still working for the organization. She was a fine administrator; and I can't say enough about Sister Monica, who was to be here for six years, and now I don't know how many years it has gone on that she has. But she is such a fine administrator. I have always been impressed with those sisters as administrators. I think they are better than any corporate administrators that I have ever noticed. They do such a fine job and are so dedicated to their work that it's no wonder that this hospital has developed the way it has.

JS: What is it that makes them, what is it about them that makes them better administrators.

CALKINS: Well, I think it helps an awful lot to have them devoted to their religion, and to their hospital that they are taking care of. It really – they aren't diverted in any other direction than their job as administrator. They have all been extremely well trained, and they have begun in the hospital, and actually most of them have been nurses, and know all of the intricacies through the operation of a hospital. Your ordinary administrator is kind of a businessman or woman who just comes in and knows business and thinks that that's all there is to operating an institution like that, and there is more to know about it. It's an understanding.

JS: Sometimes you might think of nuns as being soft or something [Inaudible]?

CALKINS: They aren't soft. When it comes to a decision, they have no problem in making a decision, because when they bring their mind to think something is right, they can stand on it.

JS: And there's no politicking going on?

CALKINS: No. I never noticed it.

JS: What do you think of these hospitals that are private, that are like run like corporations?

CALKINS: Well, I don't think they are as good that's all. I haven't observed very many of them or anything like that, but I don't think that, as far as I'm concerned, I don't want to go to any of those hospitals after what I've seen.

JS: How has the malpractice work at Sacred Heart in general, have they, do you have any idea how they rank with the national average of problems and cases or anything?

CALKINS: No, I don't. I just know – I have been very close to the hospital and doctors, because for years it just happened that St. Paul Insurance Company was the only carrier here for doctors here in Eugene. Just because no one else was interested. Through that, I was defending every doctor that was sued in malpractice. So we have been most fortunate all through the years, in fact, as far as the hospital is concerned. If they had gone bare and not had any insurance, they would have saved an awful lot of money, but you can't do that. You don't know what next year is going to bring. But the insurance companies have made a lot of money out of Sacred Heart Hospital, because there haven't been any real judgments against the hospital.

JS: So that's a real test of performance.

CALKINS: Yes, that's right.

JS: Would you like to describe and discuss how you go about conducting one of these cases?

CALKINS: Well, I don't know, I'm just an old trial lawyer. I think that the reason I have been reasonably successful in defending all kinds of cases is that I have always tried to understand people and get people to understand me. I think an approach to other human beings, sincerity and earnestness, I think you can convince somebody that you aren't pulling their leg and that you are telling the thing the way it is. I have always tried to do that and not cut any corners in any cases to acknowledge anything that we have done, and to show them why we have made any mistakes and to convince them why we shouldn't be held for it. I remember my father telling me, he said, "Never underestimate the intelligence of a jury." And I have seen that through the years. If you just think about it, here you are an individual trying to convince 12 people. Think of their experience. They have had much more experience than you have, because there are 12 of them. And over that roster they have had lots of experience. So don't try to fool anybody about anything. You have to get across to them in a sincere way what the situation actually is. And to me, that's the reason I've gotten across, is that kind of attitude. Now I know lots of much brighter people than I am who haven't been very successful in trying cases, although people have thought they were successful, because they were so intelligent and everything like that, but I think a lot of them, very intelligent people, have a way of missing the point, because their judgment isn't as good. That's how to handle something.

JS: They sometimes try to impose themselves on the jury? Or too forceful?

CALKINS: Well, perhaps sometimes. That's the best way I can describe it.

JS: From time to time have you gotten to see other people operating and doing your kind of work.

CALKINS: The only way that I have observed others is by trying cases against others.

JS: Well, all right, that's fine.

CALKINS: I think a lot of cases that I have prevailed in have been because the other side made little mistakes.

JS: What happened when you got a case where you had to defend somebody where you didn't think you had a very good case?

CALKINS: I think that – we have a policy, for instance, even a case we think we should win, we argue damages too. There are some instances where I haven't done that, and where Win hasn't done that, argued damages at all, but in most cases, even if we think we might get through all right with a defense verdict, we argue damages in a reasonable way, so that if they actually go for it, or the other, that we can try to hold the damages to a reasonable amount. And that's also been very successful in our practice.

JS: What do you think of the overall situation in the malpractice crisis that we have now? What are your observations about how things are working out?

CALKINS: It's awfully hard to say, and I resent someone, the Association of Trial Lawyers of America, and of Oregon, because I have the feeling that they are – their basic premise really in their hearts is be sure and get, keep the situation the way it is, so they can recover in certain instances large amounts of money. That pays them. For me to talk about the situation, if the manner is left just the way it is, as a trial lawyer – although I'm not

trying cases anymore – it's fine for us on the defense, because we won't be defending those cases, and we have been getting along all right. But you see, this whole organization, and it's practically 95% of the lawyers that are in that, it isn't an equal process, because what happens in the defense of cases, the insurance companies hire a lawyer with experience. The rest, everybody else, and including very capable lawyers who have chosen to take the plaintiff's side, who could probably be defending cases, but think it's a bigger thing on the plaintiff's side, are in favor of keeping the thing the way it is. This whole organization started with Belli and I remember it very well. I think I told you once before that their effort was to – and it was usually through malpractice cases, the way it started, because they came in with demonstrative evidence to accentuate injuries, that sort of thing. They were trying to get what they called the adequate award. Well, there were adequate awards before they ever started, and I just think they have a wonderful lobby and everything, and they probably will be pretty successful in holding this thing down. Although it seems like with the publicity that is all over the country. They say, I think there are, they have figured out that 1 in 15 people bring an action.

JS: Of one kind or another?

CALKINS: Yes, of one kind of another. The rest of the people probably would be in favor, thinking that something ought to be changed, because of the publicity on it. and The courts have become much more liberal, there is no doubt about that. They have brought in things, just as an example is, you see 25 or 30 years ago, always before that we had contributory negligence, and if a plaintiff was to blame at all, he couldn't recover. And they gradually extended that up, so that if the plaintiff is half to blame and the defendant is half to blame, the plaintiff can still recover. That's a pretty fortunate thing for a plaintiff to have that sort of a situation. And you have all these other defendants. Now I'm looking at it from the defendant's standpoint. I just don't feel too sorry for someone who has anybody who really is looking out for themselves and helping themselves isn't going to be hurt too bad with just an award that is reasonable without punitive damages and that sort of thing. These

awards of several million dollars, what good does it do anybody. I don't think it does them any good at all as an individual.

JS: Are they usually based upon, the large awards are based upon punitive intent?

CALKINS: Yes, that's it. I think that's what they do in some of those cases. I haven't had any experience in any of those cases that went that way, but the effort is to get the jury mad at what has happened and they then give punitive damages. And they can bring in evidence of what the company or anything has, bring in evidence to show. You have to divulge the whole thing. Then they can say, well, this is a big outfit, why not punish them? The theory is that if you punish them, then they won't make a mistake again. As I say, from my philosophy of it, and the one I've watched – and I was in the plaintiff field for the first 10 or 15 years of my practice – but with somebody really injured, I always hated to take that percentage. I didn't think it was fair, and in some cases I compromised it down to what I thought was a reasonable fee for what I did.

JS: I read a Newsweek recently citing a prestigious survey – I don't remember the source – that in these judgments, malpractice cases, 27% on the average of the settlement ends up in the hands of the plaintiff, of the victim. Only 27%. Does that sound about right?

CALKINS: Yes, I think so, when you think of all – another thing that is a very big complication is the cost of trying these cases, both to the insurance company and to the plaintiff's attorney. When I was trying cases in the 1940s, I mean in the 1950s and 1960s, those cases didn't take a long time to try. It wasn't a big expense to try a case, but boy, some of these cases go on for months, you know, sometimes, and certainly that expense is going to go into millions of dollars. All there is to it, as I say, it's not going to hurt me if they keep it the way it is, but I think the public is hurting from this situation. I think it would be much better now. I know a lot of people say, wow the insurance companies are making

a lot of money, but I've seen a number of insurance companies get out of the malpractice business, and don't tell me that they would get out if it was a profitable situation.

JS: Is it any – the solution is not going to be just any one thing?

CALKINS: I don't think it's going to be any one thing.

JS: What do you have a hunch that would have to be done about it?

CALKINS: Well, I don't know. Several states have cut down the situation. I would be glad to see something that is compensation only, and not anything out of that with punitive damages and that sort of thing. Anyone that's injured is entitled to be compensated for their expenses and for a reasonable amount of what we call general damages. And some of them, California and Washington, have both passed legislation along that line, and I'm glad to see it, because I'm a conservative and I think we shouldn't let them run away with this. Just think of the lawyers we have. Lawyers come out of law school and think, oh gee this personal injury thing is a great thing. We used to come out of law school feeling we want to be a general practitioner and do this and this and this, and help people in their things that they're doing. But it's more attractive to the young mind, my gosh, here you just have one case and really set yourself up for a year or two., I don't like that thing, I don't think it's professional.

JS: It's corrupting.

CALKINS: That's what I think. They've got some very good arguments on the other side about the poor situation, but all of Western Europe you don't have the situation at all.

JS: In your experience, another aspect of it is also the practice of the doctors, the way they practice. But your experience at the hospital is that they have managed things well, so that they get good work out of the doctors, responsibility at a high level.

CALKINS: Yes and they talk a lot, the lawyers, the association of trial lawyers, they talk a lot about what the doctors do and the mistakes they make, and so forth. As a matter of fact, it's just amazing to me, every malpractice case that I've tried, I have defended very competent doctors. I don't remember when there's been somebody that isn't totally qualified and doing a good job on the staff of a Sacred Heart hospital. So it's not – those doctors that are being sued aren't incompetent.

JS: Yes, but outside elsewhere, do you think there is a big contrast between the experience that you've had here and other institutions? They have scandals about [Inaudible]?

CALKINS: I'm sure they could be found. I'm sure they could be. But I don't have the experience at other places in the East and other places as to what kind of a job they're really doing. I do think this Sacred Heart hospital is unique.

JR: It really says something for that hospital for you to be able to make a statement like that, where you can really encounter that kind of incompetence that's causing a lot of the fuel behind these cases.

CALKINS: The human body is an extremely complex situation, and sure we've made great advances, and our big problem in these malpractice cases has been people expect a miracle. There are going to be situations where there are going to be little mistakes or something, or what the body does. You can operate on someone and come out perfectly. And you'll operate on somebody else's, because of their body, you have more difficulty. That's the big problem, is the complexity of the thing. We know an awful lot, but we don't

know as much as people expect us to know. They just think, my gosh, if you just fix that carburetor it'll be all right. But: it's not that easy.

JS: So you must have learned quite a bit about medicine?

CALKINS: Oh yeah. There are certainly a lot of things that we have seen that we know more than we would've known if we hadn't been – I remember that Jim Brook wrote a book. He was an orthopedic surgeon and a very fine one. He quoted a French surgeon. He said, it was along the line that all you can do is put the person in a good environment, like dressing a wound, and he says, I dressed his wound and God healed him. In other words, a doctor can't heal somebody. Nature and God heal him. They can do a good job and put a bandage on that will put it in the best environment to heal, but that doesn't mean it's going to heal. I've quoted that to juries too, you know. That's sort of a proposition, because it's true. That's about it. Oh you wanted to, you spoke about Sister Eileen telling you...

JS: Yes. Do you have any – could you give us kind of a description of Sister Eileen and how she goes about things?

CALKINS: Well, she's a delightful person. I called Sister Eileen to get a hold of Sister Monica just night before last. When Win won this antitrust deal in the Readle vs. Hospital – that's been in our hair for two years. The federal court has granted summary judgement on all phases of that antitrust case for this fellow who was suing the hospital for both restraint of trade and monopoly, because of a drug situation that he carries on the patients. He was first in the pharmaceutical department of the hospital, and tried to stay at the hospital and talk to patients and get them to do him before the hospital was through, to carry on their medication, intravenous medication. But the hospital established something to carry them on home and set them up and let them carry on their intravenous medication. I can't describe it all to you here. We just won that case, Win did, so I was talking to Sister

Eileen. She sat through that case that Win had against the hospital, malpractice case in Portland just three weeks ago. She was there for a week.

**[End of Tape 6, Side 2]**

**Tape 7, Side 1**  
**1986 August 1**

JS: This is an interview with Windsor Calkins in his office in Eugene, Oregon.  
Sister Eileen was involved?

CALKINS: Yes, she's kind of in this risk part of the hospital, and she does a wonderful job of getting information and reporting it to us, and that sort of thing. She's so much fun to be with that we really appreciate her a great deal.

JS: She's quite young, isn't she?

CALKINS: I think so. I don't know how old she is. We were making a big story – Win has a 14 year old Porsche, which is really a sports car that he got when he was unmarried, in the early practice of law. He's got it all fixed up, painted, and new tires, and so forth on it. So, I called her the other day to tell her that she had been seen getting into a sports car, and we understood she went to Portland with a young man, and stayed in the same hotel with him, and that we understood that after the trial she had a drink with him. I asked her whether that was true, and she said, “Well, some of it sounds familiar.” That's the sort of thing we can carry on with her. She has a great sense of humor. We have a lot of fun with her.

JS: Her being Irish may have something to do with it. Or is she Scotch, or something, no she's Irish.

CALKINS: No, I think she's Irish. I know that. But I really think that Sister Monica has been the greatest administrator they've ever had. She's done just a wonderful job. She's so gracious and so personable, and so dedicated.

JS: So, this has been work that you enjoyed.

CALKINS: Oh absolutely. We feel kind of like a family with the hospital.

JS: I must get back and ask you a bit about Father Leipzig, whom I also knew. I had always heard that he was well received in the community, but these were the days, you may remember something about it – these were not quite the days, but it wasn't too long before, say about 1925, 1926, that there was a lot of anti-Catholic sentiment, and the Klan was very active. Could you say something about how Father Leipzig was received, and why. Do you have any idea?

CALKINS: I know that a lot of people in Eugene, especially Masons and Scottish Right people, and that sort of thing, didn't give the Catholics a fair shake around here. I'm sure they didn't. As far as I was concerned, I thought Father Leipzig did a wonderful job, and I think generally speaking he was extremely well thought of here. That's all I know about it. I didn't get into any tussles or anything like that where he was involved in that sort of thing, but he made himself evident everywhere, and I thought he did a wonderful job. Some of the other places had, as I told you, had more of a problem than we did, as far as the Ku Klux Klan was concerned, like Medford, where my uncle who was circuit judge down in Jackson County, retired early at the age of 60 years to get away from the Ku Klux Klan.

JS: Oh he did?

CALKINS: Yes. He felt they were trying to interfere with the judicial operation of the courts down there.

JS: Were they just going after Catholics? Do you have any idea what the Klan was doing that was interfering?

CALKINS: No, I don't know in detail what it was. My uncle wasn't a Catholic, but I just know that he was very upset about the disruption of general affairs down there, that he thought was affecting the courts.

JS: Another person that comes to mind whom I'm also familiar with is Emil Furrer. Did he remain connected with the hospital? Emil Furrer remained connected with the hospital, directly?

CALKINS: Oh, yes. He was head of the pathology department. So, I've had encounters with him from time to time, when there's been something that's come up with him. He was not a very social sort of a person. He was really very interested in his work, and in organizing his department. There wasn't any laughy, laughy, talky, talky matter with him. He was very well respected, and we've always admired him for what he had to do in getting this whole thing started. It was a great benefit to the community to get the sisters in here and get a real hospital.

JS: Thank you for your comments on Sacred Heart. I think that's really wonderful to have recorded. So, you had gone into retirement, but it's been a sort of a gradual process.

CALKINS: I've gone into retirement as far as trial of cases is concerned, but I sit here and receive calls from the hospital, and from the Eugene Water and Electric Board that I've been general counsel for since 1949; and then I handle the probate department of this office. I feel that I'm not doing very much, but when I feel that I can't do what I'm doing now anymore, I will quit. But I've realized already that I got to the point 5 years ago where I couldn't try cases as well as I have in the past. I think that really takes somebody that's right on the ball. I can just – I suppose that I couldn't. And besides I had an illness, about 6 or 7 years ago that come and knocked me out. That just made it an automatic situation to kind of turn everything over in the trial work to my son, and it's worked out just beautifully.

So I'm going to stick around here for a long time. You see, I own this building, so nobody can kick me out of here.

JS: What do you do with your extra time? How has that been getting used to having more time?

CALKINS: I'm here every day. I play golf Thursday morning, and nine holes Saturday, and I play Sunday morning, in golf. If I quit entirely I wouldn't want to play any oftener than that. I'm just interested, thoroughly interested, because Win is here in holding this thing together. We kind of thought our grandson would come in here, but now he's in international law, and his, Win's wife has gone back to school and intends to be lawyer, and she perhaps will, as soon as she can get through law school. will come back here. Then she can take this office, and I will feel more comfortable.

JS: There is the phenomenon of father and sons working together as lawyers. Husbands and wives working together as lawyers may be a phenomenon, too.

CALKINS: Same deal.

JS: Could you say that you have some idea of how fathers and sons get along as – what it is that makes it possible for them to get along as lawyers? Whereas it doesn't seem to happen as much elsewhere?

CALKINS: I think young men, just like Jamie, my grandson coming up, wants to try out greener pastures. As far as my son is concerned, he had an opportunity to work in a big office up in Portland, and I think that's what convinced him that it would be more comfortable in a place like this. But you have to have rapport with, like I did with my father, and the way Win does with me. My son would do absolutely anything for me. We're very close. We aren't just close here at the office, we're close outside of the office. We do things

together. And it's always been that way. Where you have that sort of situation, it's just a marvelous deal. But partnerships in general are awfully difficult. I've seen through the 54 years that I've been here, they're always changing around. There isn't any permanency to a comparatively small partnership. They decide to go out on their own or go with somebody else, and that sort of thing. The only way you can run a long partnership is to run it like an institution and have a manager that runs it like that. And that has to be a large partnership to warrant a manager.

JS: You mean one person in charge?

CALKINS: One person in charge, that's right. Then there can be a committee that's in charge of the manager. But at the same time, law partnerships are very difficult to do, because it's not something where you get out of the salary stage and you're sharing profits. Why, your wife says, "John, you're doing all the work and not getting as much money."

JS: That sounds very real. So your family is still – no we didn't – one thing that I wanted to ask is a political question. One of the big subjects in politics, that we run into when you get into state politics, is the political change of Wayne Morse. Now, being a Eugenean, you probably saw Wayne Morse, and knew a bit about him, and had a reaction to his politics and so forth. Could you talk a bit about Wayne Morse and that experience?

CALKINS: All I can say about Wayne Morse is that I detected from the experience I had with him in law school that he – and when he registered as a Republican and ran for Senate, I could have surmised that he was on the wrong side of the fence, because that's not the way he thought. So I wasn't surprised at all when he went Independent, and then went to the Democratic party, because that was closer to his philosophy. That's all I can say about him. I wasn't a great admirer of Wayne Morse. I was a great admirer of Orlando Hollis, who was a Democrat, who had a stability and a real, real fine judgment. He's a fellow, it would be a wonderful thing to interview on a situation of this kind.

JS: The National Advisory Committee, yes, that's right. Sister Eileen had mentioned that. I wonder if you could explain what that was.

CALKINS: That's very easy to explain. The Ninth Circuit is nine western states that are the Ninth Circuit of the federal system. The Circuit Court of Appeals, there are circuit judges – and I think there are 28 circuit judges, and I don't know how many district judges there are. So all there is to it, they asked me over a year ago, whether the judges in Portland, whether they could submit my name to the advisory board of the Circuit Court of Appeals. So I said, well, I don't know, I don't feel that I've had as much federal court experience as a lot of other lawyers, because for years, everything went on in Portland, and I wouldn't go up to Portland but seldom. It's just been recent years since we have the federal courthouse here in Eugene, that I have been more active in it. But they wanted to do that.

So Manley Strayer in Portland had died about a year ago, in early 1985. He was from Portland and was on the advisory board, and so they wanted to get me in it. It just doesn't come from Oregon. There are nine members of the matter, but they aren't from each state. Actually, there are 6 from California, about 3 from southern California and 3 from northern California, and then there's 1 from Seattle and 1 from Boise, and then myself. Although there are 9 states, so there are let's see, 3 there, 5 other states that really don't have a representative on it. But as I understand it, and I've just been to two meetings, and I will be going to another meeting later this month in Sun Valley, where the federal judicial conference is. It's just a bunch of old men who've had a lot of trial experience that they use as a committee with the chief judge to make suggestions and follow up suggestions that judges have about improving the system.

That's all there is to it. It's a senior advisory board of the Circuit Court of Appeals at the Ninth Circuit. It was just, to be appointed, it seemed interesting to me at my stage in life, because I have the time to do it, and to keep kind of abreast of those things that will be interesting to me. I don't think I'll do any good on it, but I'll enjoy it.

JS: Well, I mean, there are some issues, like the malpractice things, the court procedures.

CALKINS: And its mainly now, the big issue now is getting litigation out of the way.

JS: Is that right?

CALKINS: Yes, because everything is overloaded.

JS: Without just having more judges?

CALKINS: Yes.

JS: Well, good. We also should say something about how music continues to be a part in the life of you and your family.

CALKINS: Well, I think I've told you a little bit about my wife and how she got first high school harpist in the United States in Texas at the National High School Orchestra in 1927. She had been taking harp from the time she was 9 years old, and became a very proficient harpist, and played through the Northwest at concerts, and got connected with the university. I think I told you that she played in the University of Oregon orchestra when she was in high school, and during that period, and continued that through the years. Then got on the faculty of the University of Oregon Music School, and established the first harp department. She continued that on through about 25 years, and then her daughter, she started in harp from the time of a young age, and her daughter became a fine harpist and when she got up to school she would be playing for the university orchestra, and following it through, and acquiring students, some of them hand-me-downs from my wife. So she became interested in it, and had two children, who are grown now. Then she became the head of a harp department of the University of Oregon, relieving my wife. It's been a very

close relationship between my wife and my 51-year-old daughter, and my 20 year old granddaughter. They work together a great deal.

My wife went to these national harp conferences for a long time, and was a judge, even in Israel. They have an international contest there every 3 years, and has been a judge at other contests, and that sort of thing. So Sally has just kind of taken over that, and she's been on the executive committee of the American Harp Society for a number of years now, and has become president as of this last month, for a 2-year term, and will be traveling over the country. She has the time to be that now, because her children are fully grown. You'd just be surprised. We have in our little old house that we bought in 1931 – we've remodeled it about five times – but we have a harp studio in that home. So harpists have been there, and we have nine playable harps in our family. We've had lots of students that go through our place, and Sally, at her home, she has harps there, and has lots of students there as well as at the School of Music.

That's the women part of our family, engrossed in harp. Sally is married. I think she's been married about 28 or 29 years, to a doctor, he's an internist and a very active doctor, Winston Maxwell. He is a very bright person and he encourages the music in his home, and has played the flute, and the guitar, and various things in a small way. In fact, he did a guitar concert out at one of the rest homes where he happened to have a number of patients, just recently, just for fun. He enjoys that sort of thing, but he is a very busy doctor.

JS: Kind of parallel to the men and their shared interest, and the women and their shared interest.

CALKINS: Yes, that's right. We certainly, all the men, are interested in the music also, at least listeners.

JS: Do the women know very much about law? Well certainly, your son's wife is [Inaudible]?

CALKINS: My son's wife is really the only one that is interested in law, and that happened by – I am one of the few fathers that chooses a spouse for their son, because I chose her to bring her into the office here, and Win came into the office and started going skiing with her and so forth, and married her. So, I worked that out fine because I made the selection, you see.

JS: This is all out in the open is it? I wonder if you've ever thought of this. How is it that your wife so successfully raised a daughter up and meet with that interest? How did that work? Because it doesn't always work.

CALKINS: Oh, no, it doesn't.

JS: What made it work?

CALKINS: It's just hard for me to say, except by starting at an early age, and actually sticking with it, which she was willing to do, you get to a point where, as I've said before, you like to do anything you do well. And it's hard to quit it then.

JS: Well, on that note, I think that perhaps we should conclude, and I want to thank you very much for this wonderful interview. We're very glad to have it in the collection.

CALKINS: Okay.

**[End of Tape 7, Side 1]**

**[End of Interview]**