

# Charles S. Crookham

SR 9062, Oral History, by Charles Digregorio

1978 November 25



CROOKHAM: Charles Sewell Crookham

CD: Charles Digregorio

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## Tape 1, Side 1

1978 November 25

CD: You were born in 1923.

CROOKHAM: Yes, on St. Patrick's Day, March 17, 19223. This is October 25<sup>th</sup> 1978

CD: And, what's the S for?

CROOKHAM: My middle name is Sewell. My mother's brother-in-law is Charles Sewell Beekman. He was a lawyer in Kanas and Oklahoma, and I was named after both he and my grandfather Charles Crookham. I got my middle name from Sewall, who used that as his first name.

CD: Did you know your uncle?

CROOKHAM: Yes, he was the person who talked me into going to law school.

CD: That was my next question if he inspired...

CROOKHAM: He was a lawyer in Arkansas City, Kansas and went to Oklahoma shortly after statehood. He didn't practice in Oklahoma but was the road building contractor which is a form of practicing law but he was not active as a court lawyer. He had been an in-court lawyer in Arkansas City.

Was involved in the 101 Ranch in Ponca City. He was involved with the Miller brothers, who had a big spread and also ran a rodeo in 1910. They were always getting into trouble and they were Sewell's clients. He moved down to Oklahoma City and branched out and changed his operation.

CD: Your family history has a lot of divergent interests and activities, a part from your association with you uncle Charles Beekman, did your father and your Uncle Arthur, who worked at the *Journal*, also influence you in different directions?

CROOKHAM: Yes, very much so. My father was the younger of the two boys, Arthur the elder. Father was in business with his uncles in a firm called Wiggins Company. When the last of the two uncles died about 1935, Dad bought out their heirs and the business until they closed it in 1969. I was close to my father in that operation. My brother went into the firm. Looking back, I feel that we felt that the firm wasn't big enough for two children and I was interested in something else. You go through in high school; for instance, I wanted to go to the Coast Guard Academy, things like that.

CD: You went to Grant?

CROOKHAM: Correct.

CD: Then you went from there Oregon State College?

CROOKHAM: Correct. My first term in college we won the bid to the Rose Bowl and the Japanese came to Pearl Harbor the next week. That was my introduction to college and I thought that was a rather outstanding first term.

Oh, about 1940, ah, Sewell – we used to spend our summers – our mother did and my brother and I would go with her. Frequently people in Oklahoma had summer cottages in Minnesota and from the time I was six, Mother would take one or both of us back there. We spent a lot of summers on Gull Lake just north of Brainerd, about one hundred twenty miles above Minneapolis. The Beekman's would go up from Oklahoma and we'd go east on the train.

That is when Sewell talked me into going to law school.

CD: Your father was politically active also? A part from the business, he was on the Multnomah County Tax Conservation Supervising Board.

CROOKHAM: He was on that, I think, for about fifteen years.

CD: Yeah, long time. He was also on the Board of Equalization.

CROOKHAM: He was on the Board of Equalization because one member of the Tax Conservation Committee, by either ordinance or Statute was one of the members of the three man Board of Equalization. So, he did serve on that, they rotated, he did serve on that for a number of years

CD: Did he ever talk to you at all about the issues of the time that he was concerned with on that board?

CROOKHAM: Yes very much so. Dad was fiscally a conservation person and he had a very jaundiced view of politicians. As a matter of fact, when I went on the bench, he said, "Why do you want to be up there with that courthouse gang?"

that's when he was on the Commission as a matter of fact.

And I said, "I'm a State Judge and we're not part of the courthouse gang, so you don't have to worry about that."

He was concerned with the proper application of taxes. I remember he was very upset with the school board. He thought that every time they built a school it was a Taj Mahal. He thought they were wasting money in some of the capitol construction. I remember when Madison High School was being built, they took the Conservation Commission through and one of the members of the School Board was Dr. Dorothy Johansen, a history professor from Reed. Dad related that at dinner – he made some inquiries - thought the place was being too palatially done and he quoted Dr. Johansen as saying, "Now, don't worry Mr. Crookham, we're experts in the field and we know what we are doing." [Laughs] That didn't set too well with my father.

CD:I imagine he had quite a bit of insight into the city [unintelligible] even though he worked on the county tax board?

CROOKHAM: Yes, he was an observer on the scene. He had been here since 1910 and knew a great deal of what went on in the city, being in business. He was very cognizant of various things. He knew and remembered people personally. Earl Riley, who had been mayor, was a close friend of Dad's. Riley was a car dealer and Dad was in the automotive supply business. Wiggins Company sold throughout the state and Dad knew the car dealers throughout the state. A number of them went into politics. Doug McKay, Governor and Secretary of the Interior, had Capitol Chevrolet in Salem. Doug was a good friend of Dad's. He knew Bob Farrel quite well and the governor who was killed with Farrel, Earl Snell. Snell had been a car dealer in Arlington, I think, before he became Secretary of State.

CD: On the other side, your father's brother, Arthur, was a very notable editor through the years at the *Journal*, the city editor, he had two main jobs there I think – before, had he been with another...

CROOKHAM: He had been with the *Portland Telegram*. He was city editor of the Telegram. When the *Telegram* fell into evil days financially as a result of their fight against the Ku Klux Klan, Arthur went over to the *Journal* as the city editor for twenty-five years from the mid-1920s until the early 1950s, just about the time I graduated from law school.

CD: I'm going to break the chronology here for a second, you just brought in a really interesting point and it was one that I was going to ask you about. The legal fraternity, what I know, didn't seem to take much action against the Ku Klux Klan in the twenties. And ah, you know it was well before your time, what do you know about the situation? Did you ever study exactly what went on and why there wasn't more legal controversy?

CROOKHAM: Frankly, I don't know. I would say that there were probably a lot of lawyers who were members of the Klan. The Klan, in the 1920s, was not the Klan of the Reconstruction period. Arthur always analogized it to the no-nothings. It was really an extension of the 'No-Nothings in the mid 1900s. It was a reaction to internationalism, a white protestant red neck movement.

I remember Dad got into a fight with some customers of his in Astoria because he had an employee, named Joe Sharkey. Sharkey was his salesman down in Astoria area. He was a Catholic. Some of the dealers down there said, "Don't bother sending Sharkey down here, we don't want anything to do with a Catholic." Dad told them that he was going to send Sharkey down until the river froze over and he continued to do so.

Arthur was involved in the Klan because there were two brothers, the [Reimers?]. They owned the Telegram and they took the Klan head on.

CD: Well, the Klan went after all kinds – Os West – a lot of powerful people

CROOKHAM: The Klan was a lot like McCarthy in the early 1950s, who had the same sort of background, it's a no-nothing thing.

CD: It's amazing, even after they [Klan] disappeared fairly rapidly, they were still around. Their influence was widely felt. I was still unclear as to why the courts hadn't been able to take them on or stand against them, but maybe it never did get into anything in the courtroom.

CROOKHAM: Well, it did in one thing. There was a case in the Oregon Legislature when the Klan took off after parochial school. I'm not sure whether that case started out in the State Court or the Federal Court system, but it went to the U.S. Supreme Court. The legislation struck it down as being in violation of the First Amendment. So, at least the legal profession did that much for the Klan.

CD: I remember that in parochial schools [Inaudible] - I'm glad you mentioned that because that was something I wanted to get together on. Before I go into something, the questions I had specifically, I would like to you say something more about your education and going into the service with Pearl Harbor and everything. When you served in France it was with Patton's Third Army? It sounds like you were pretty busy in different segments of the service?

CROOKHAM: I was at Oregon State University when Pearl Harbor happened. Oregon State was predominantly an Army R.O.T.C. [Reserve Officer's Training Corp] school. It was a land grant school and Freshmen and Sophomores were compelled to be in R.O.T.C. We had an infantry field artillery unit which I was in. Then in the summer of 1942, they encouraged us to stay in school and not to volunteer. The army set up a program called the Enlisted Reserve Corps. We were encouraged to join that with the implied promise that they were going to keep us in college until we graduated because we would be more useful to the government as college graduates. One hundred and eighty days later they pulled us out. I enlisted on September 23, 1943, was sworn into the armory in Corvallis and they sent us

out that morning to take physical exams at Camp Adair. At least a batch of us was sworn in that morning. Then on March 25 we all ended up reporting to Fort Lewis.

We reported back to Corvallis and got on a bus at 3:00 in the morning. Don't ask me why they wanted us to come and report at 3:00 in the morning, but we did. [Laughs] They took us to Albany and put us on a train. The train came right through Portland! It would have been easier to have gotten on the train in Portland at 9:00 Am in the morning, but that isn't the way they did it.

This happened all over the country. There were about 200 thousand Enlisted Reserve people pulled out. The reception center at Fort Lewis looked like an intercollegiate meet because there were quantities of us from Washington, Washington State, Oregon and Oregon State. The Stanford people, they didn't report back to Stanford, they had them reporting in the local area. So, they ended up there,

From there to basic training I went to a camp near La Jolla, California in anti-aircraft. As soon as we got through basic training, we went to Officers Training School in training battalion and they said that they didn't need any more anti-aircraft officers so we would go to A.S.T.P., which was the Army Specialized Training Program where they put you back in College in uniform. We went through a classification center at Pasadena Junior College.

When I was interviewed, they said, "What do you want to do?"

I said, "I would like to go to the Language and Government School." They said that those were- filled.

They said they had engineering schools. I said that I didn't want to have anything to do with engineering and they said, "You could go to New Guinea as an anti-aircraft replacement." And that is how I went to engineering school at Loyola University in West Los Angeles. It was a small Jesuit school and we were virtually the only students there.

They left us there for two and a half terms and they pulled the plug in 1944, General Marshall decided that he didn't want 200 thousand of us sitting around in college. He needed us as replacements, primarily for the European theatre, and on my birthday, we left and went to train Camp Roberts. I joined the 89th Light Division which was then on

maneuvers to Hunter Liggett Military Reservation. We were there for a period of time. This was an experimental division.

They sent us back to Durham, North Carolina to Camp Butner in the first part of June. Made us back into a heavy division and we retrained and went overseas in December. We arrived in France in January. We were going over during the time of the Bulge.

By this time, I was in a Cannon Company because of my artillery background. Each Rifle Regiment had a Cannon Company and I ended up in the Cannon Company of the 354<sup>th</sup> Infantry Division. By that time, I had the exalted rank of T5, which is a corporal with a T underneath it. I went overseas with that guise. We went on line the end of February 1946, we moved up to just north of Luxemburg City into an area near Trier.

Our first major action was an assault crossing near the Moselle River near Zelle. Our second major action was an assault crossing the Rhine at St. York. Then we ended up just north of the Czechoslovakian border in an area around Kemnitz and Velaux, which is in Saxony. Then our division operated in the redeployment near [La Haque], the cigarette camps. I was in the Lucky Stripe camp [in between Cany and Saint-Valery], through that summer into fall.

In the fall when the Japanese thing was over, we changed from tactful redeployment to demobilization deployment. If we hadn't been in the theatre and had enough points you didn't go home right away, so a batch of us ended up with the 83rd Division for about six months of occupation duty in Linz, Austria.

CD: What do you think was the most important experience in all your term in the service? What do you think you used later on in your legal career that might have been a lesson you learned?

CROOKHAM: I think principally it was just an experience and maturity that comes from working and seeing all sorts of people. You tended to be cocooned while in college. You stayed with people who had the same job and general background. The Army of course



was very broadening, because you saw a lot of people. A high percentage of my company was made up of the American Red Cross and Army Specialized Training Program college bunch. The First Sergeant wasn't and I learned early what they thought of the wise-assed college kids. I learned Brooklyn Italian and Detroit Polish, we had guys from the back woods. One chap used to go home on weekends from Camp Butner and when he came back, he lived up in the hills of western North Carolina, and he used to come in with a gallon jug of old corn whiskey moonshine. And that was white lightning, I'm sure I wouldn't have seen that otherwise.

You saw a lot of bad experiences. People who were rotten, and rotten to you. I remember when I was on leave going to Switzerland, I was in a billet which was a large room with double-deck beds, I threw my sleeping bag on a lower bunk and was half asleep when a guy came in, who turned out to be a Red Cross Director and he tried to tell me that I couldn't asleep in that bunk that I had to take an upper one because he wanted the lower one. You know it was kind of un-called for. I suggested something and so did somebody else so he went away. Those are the things that you remember

CD: You came back to Stanford and remained involved in Reserves Officers' Training Corps. Then you got your law degree at Northwestern.

CROOKHAM: I had part of my law degree at Stanford and finished up at Northwestern. So, I had both day law school experience and night law school experience. The first year I was at Northwestern was the last year they were in the old Sherlock Building at Third and Oak. As a Northwestern graduate you were in one of three groups, you either attended in the Sherlock building, or attended up on Park and Stark in the school over the title company, or you were in the new spacious school over at Lewis and Clark. I was in two, the Sherlock building and Park and Stark building.

CD: Did you go directly into law practice after law school?

CROOKHAM: Yes, actually when I was going to Law School I was working for a law firm as clerk and investigator. We did some insurance adjusting and I stayed with them when I passed the bar. I was with them until I went on the bench.

CD: Have you - this might seem, again off on a tangent, have you ever considered going back into private practice, ever gotten fed-up with being a judge?

CROOKHAM: No, I've never gotten fed-up with being a judge, And yes, I have thought of going back into private practice, because of the pay – is not what is possible. There are a lot of lawyers who starve and there are a lot who made a lot more than we did. But I feel very comfortable in what I am doing and if I went back it would be for monetary reasons not dissatisfaction.

CD: Who do you think was another source of inspiration for you. You mentioned your uncle when you were young. Did you come into contact with judges or lawyers, senior partners, who really got you headed in this direction?

CROOKHAM: Yes. I think when I first started to practice, the furthest thing in my mind was to be a trial judge. I think that your initial reaction in law school when you take constitutional law is that you want to be a member of the U.S. Supreme Court. That is rather a limited future. One of the functions I did for my office was to handle the courthouse work other than just the trial work and I was over here virtually every morning for a number of years handling call before the presiding judge.

I saw a lot of the judges and the system was very uncoordinated in those days. There were some very good judges and some very bad judges. I had no thought that I would be a judge because all I could see were people who I thought were not up to what a judge should be.

But in the mid-1950s, and because our docket was in such bad shape. Charles Redding had been on the bench since the day before Pearl Harbor. I think he told me he

had been sworn in on December 5, 1941. So, Charlie had been on the bench about 15 years, just about what I'd been about now. He became presiding judge and managed to convince his brethren to continue him on. He served eight or nine years consecutively and, in that period, he effected a considerable amount of change in procedures and the way everything was handled. He got a handle on the docket and reduced it considerably. At the same time, starting in 1959, Governor Hatfield was given a number of appointments on this bench, either by virtue of death or resignation of incumbent judges, there were additional positions. The type of people Governor Hatfield was able to encourage to go on the bench, made me want to go on the bench.

As a matter of fact, I was on the first committee organized in 1959 to make recommendations to the Governor. I decided "No, I wouldn't serve on the committee because I wanted to make myself available". My direct interest or first case of [judgeness] came in 1959. At that time two new positions were created and Judge [John J.] Murchison was appointed to Department 14 and Arno Denecke was appointed to Department 15, I succeeded Arno then three years later. I ran a high fever for three years.

CD: Besides Redding, were there people who you closely worked with who were encouraging you in one way or another?

CROOKHAM: Yes, there were two or three lawyers that I talked with personally before I tossed my hat into the ring. I valued their opinions. One of them was Steve Parker and another was Frank Pozzi. They were from opposite ends of the spectrum as far as the litigation field was concerned. I had known both of them and tried cases involving both of them over the years, and they both encouraged me to. No one discouraged me so I went ahead and laid my plans that came to fruition, finally. As those appointments were made by Governor Hatfield, they came off a list suggested by the Multnomah County Bar Association Committee on Judicial selection. For that reason, you tended not to have opponents then when you had to stand for re-election. I've been through that three times without having an opponent and most of the judges have had the same experience.

CD: Something I'm anxious to ask and I should save it till later, but since your appointment what do you think was your most difficult ruling has been? Was there one that was a real obstacle?

CROOKHAM: You know in the trial business it's very different that the appellate business, you make so many decisions and you try so many cases that you really don't look backward. For instance, in 15 years on the bench, I probably averaged 110 to 125 trials per year. Except when I would be the Chief Criminal Judge and then you'd have to be handling a couple of hundred plea's on felony cases per month. In every trial you have multiple rulings that you have to make, you probably make one hundred [thousand rulings a year].

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

**Tape 1, Side 2**  
**1978 November 25**

CROOKHAM :Every time you impose a sentence on somebody you have the difficult decision of what we call 'in' or 'out'. Does he go into the penitentiary or is he on probation? I have occasionally placed somebody on probation and received a lot of flack from the community or from the District Attorney's office and on the other hand I have at times placed somebody in and gotten a lot of flack from his friends and neighbors. You are thinking in terms of repetitive conduct and whether he constitutes a threat to society and that's probably numerically the most difficult decision we have, because you are trying to balance out appropriate treatment of the defendant. You have to impose appropriate punishment while you are also trying to safeguard the public.

CD: Has a specific decision actually resulted in threats to your life?

CROOKHAM: No, I've never had a direct threat. I've had somebody call me a few four-letter words in court and you just tack an extra thirty or sixty days on the end of whatever sentence it is. We were starting to talk about people who have had influence and I talked about Judge Redding and some of the others.

Another person was my father-in-law, Colonel Alfred Kelley. He died in 1954. I had been in practice about two years at that time. He was a fine trial lawyer, very much a man on the scene in Portland. He had been commander of the American Legion at the beginning of the war when the legion was fighting the isolation attitudes of the country. He had been commissioned in the First World War out of Plattsburgh Camp at Fort Sheridan and served in the first division in France as an intelligence officer.

He went on occupation duty and then was integrated into regular army, although he had graduated from law school in 1916, from the University of Michigan. He was invalided out of the Army for a disability in about 1923. He came to Oregon and was with a firm called Teal, Cotton and Minor and which today is what we refer to as the Howard Rankin Firm. It was Winfree, McCulloch, Schuler, Sayre and Kelley, I think. Colonel Kelley,

through the years was an active horseman, well-known in horse circles in Oregon as well as one of the founders of the Lake Oswego Hunt [Club]. About 1930 on they lived in Lake Oswego.

He was a retired captain. The war came along in 1941 and he went back on active duty and was assigned to the Air Corps, and ended up as the intelligence officer at the Portland Air Base and ultimately, he was the Executive Officer out there when he became Lieutenant Colonel. Then in the last year of the war, he was assigned to a troop carrier wing in Sacramento. Then he retired again after the war as a full colonel and went back to private practice.

I had not known the Kelleys. They had a son Alfred who was my age who went to Lincoln and a boy, Scott, who is a lawyer now and was three years younger. But when I was at Loyola, my roommate was Gerry Frank and Gerry went to Lincoln and was a classmate of Al Kelley's. I remember in December of 1943, Gerry saying that his friend, Al Kelley, was killed in a plane crash. Now that is just one of those things that you hear. I met my wife in 1950 one night up at the Multnomah Club at a Saturday night dance. She was the sister of that chap. She knew Gerry very well and at the same time Scott was in law school. He was going to Northwestern and I got to know him and we sort of fell under the spell of Colonel Kelley. Colonel Kelley encouraged me because he was a fine lawyer and I was sorry that he wasn't around when I went on the bench. His wife, Jessie, seemed very proud.

CD: You mentioned the difficulty on sentencing people as a trial judge, as far as issues go this is the kind of thing that is going to be interesting in oral history is to come back and compare issues at a given time. And of course, some of the major issues are never really resolved. We are still wrestling with capital punishment. Do you mind, you know, on tape stating your opinions on some such issues?

CROOKHAM: I should point out for the record that a trial judge is not a policymaker. The legislature passed the statutes and the appellate courts issue opinions and what we try to

do is just be like a ball in a croquet game, try to get through the right wicket in the right order. Interestingly enough, this is one of my criticisms of the so-called Missouri Plan which is being urged in Oregon. It is taking away from voters their right to vote directly on the policymakers. Because it is the statewide judges, the Court of Appeals, the Supreme Court who are being isolated by this. And they're the people making the policy and should be more responsive to the public. The trial judge should be more isolated so that they can have the independence to do their individual work. I just suggest that as a viewpoint.

Capital punishment again is just one of those things that it really doesn't make a lot of difference whether the trial judge likes it or not, it's a legislative matter. In Oregon, of course, it is legislated by the people through the direct right of election. I'm really pretty much torn.

Generally speaking, and under our prior system, the trial judge had no say in it. It was a matter of strictly for the jury to decide. I can remember the last two persons put to death out of Multnomah County, I observed both of these cases just by being in the courthouse. One was a younger chap who was clearly a retarded boy. He had killed a girl in an abduction, rape matter. I think his name was Sullivan. The incident occurred in the early 1950s took place out by the St. John's Bridge. The case went to US Supreme Court and they decided that one of the issues raised was who had the burden of proof on the question of insanity or lack of mental capacity. The Oregon statute put the burden of proof on the state to prove the crime, and then put the burden of proof by ponderance of the evidence on the defendant to show this mental disease or defect. It was the old MacNaughton Rule.

I've always remembered what he looked like. I've gotten involved in the retardation field and understand a lot more about it, because my oldest boy is retarded and clearly, I thought that was a case where capital punishment was inappropriate.

In the same time frame, there had been a hold-up of a grocery store by a man named Nathan Butler, on Fourteenth and Jefferson. Where the freeway is, the building where the hold occurred is no longer there of course, because the freeway took it out. The defendant in this case was an old time con and had gone in and held the proprietor up and

brutally shot him. I remember seeing that man in court. He was one of these stoic ones who frightened you to look at him. He was obviously a menace and I felt that it was an appropriate exercise of capital punishment.

I'm not sure that I agree with people who say that there should never be any capital punishment executions. I think it can be appropriate under certain circumstances. The difficulty of course, is writing the formula and deciding who was going to impose it.

CD: That's not a trial judge's domain.

CROOKHAM: That's correct. At least the way the legislation has been framed in the past because in the past it was strictly a question for the jury on first degree murder. Whether there was a recommendation for life, if there wasn't then the death penalty was automatic.

CD: Still the insight you have just given, 50 years from now, for a researcher listening to this tape, reading the transcript, it would be interesting to read that, to see what the system is then [Inaudible]

CROOKHAM: Philosophically, if you can say that the government has the right to expose its citizens to death, by bringing them into an army, navy or an air force, and having a high chance of being killed in certain types of involvement, the government, to protect itself, obviously then that has the thought of life and death. It is not incompatible with that to put people to death who have demonstrated that they are threats to other members of the society. It is for the protection of society, not so much as punishment but to protect people. I'm not sure that I really have a handle on the deterrence factor. I think that an awful lot of murders that I have seen are committed with people acting absolutely irrationally. I'm satisfied that you really can't thoroughly justify not executing somebody who deliberately and premeditatedly and for hire goes out and kills someone. I feel deterrence can be argued about. But of course, the other group of victims, the officers in the penal institutions, if a man is in there for life and more, has nothing to lose. But if he has his life to lose,



deterrence, under those circumstances, can be brought into play. How you demonstrate deterrence statistically is something no one has ever shown me.

CD: How about the more general criticism that the court system seems to apply more to the poor and minority members of society? That the stiffest penalties always seem to go to that group of people?

CROOKHAM: To begin with, most of the people who commit crimes do so because of socioeconomic backgrounds. You don't have a high percentage of burglaries committed by PhDs or stockbrokers, although, of course, although some of the customers may complain about the stockbroker. And so that's the segment of the population that you are confronted with. I don't think it makes a lot of sense to say just because a guy comes from this sort of background, we should only punish a certain percentage from those backgrounds for these crimes. You have to punish the individual. Surely, you are going to have more poor people in the criminal justice systems, simply because they commit more crimes. I don't know how you escape from that. I do think that a tremendously concerted effort has been undertaken over the past 20 years to rectify inequality and treatment between those with money and those without.

You can think of Clarence Darrow getting off the thrill killers, simply because Clarence was getting a big fee. But as a result of a number of the constitutional resolutions over the last few years, I think that people in our system have entirely adequate representation through our public defenders.

CD: The reason I ask this is because the court system, just like any other governmental system seems to me to be more and more affected or influenced by this game of percentages that we play. A certain percentage of minority groups have to be hired to work for certain corporations – this seems to be endangering the courts too, am I off track? Our governmental system is stressing employment and special treatment for minorities. Do you feel that kind of pressure effecting the courts?

CROOKHAM: No, I don't feel that sort of pressure at all. Equal opportunities are appropriate. What the government has decided is appropriate in hiring and firing and the public sector. I don't feel that sort of pressures here. I do notice it in one aspect of my present career. I'm connected with the West Point Admissions office as part of my reserve activities and I am the state coordinator for the military academy, for the state of Oregon. I was back in a conference in September this year, and one of the things that we were discussing was the question of admissions from certain special groups. As being outside the general profile of candidates.

It's apparent that the Academy like the other academies uses a slightly different scale when they are talking about women, when they're talking about black Americans, when they're talking about Hispanic Americans, when they're talking about Asiatic Americans and when they're talking about athletes. Those are all minority groups. The idea is to bring in as many of those as feasibly possible to meet certain needs of the Academy. The Academy is charged with producing regular army officers, on an equal number to the Reserve Officers Training Corps program.

This means about one thousand Second Lieutenants a year. The army recognized that about 25% of the enlisted strength is black or other minorities. The move is to increase the number of officers, from those racial groups who will be permanent members or regular members of the armed services. A lot of those people are going to come from disadvantaged backgrounds. So, we are in a sense out searching for them. We could fill up the Academy with all the white Anglo-Saxon protestants from the Northeast part of the country that we wanted. But we don't want to fill up the academy with just one group. So, we have got the geographical spread and we've got the ethnic spread and all the other spreads. And, women same sort of thing. It is difficult for them to define it and they are not using quotas like the Bakke case raised down at the University of California at Davis.

I know one lady to whom it was critical that her son get in. Her husband was a Brigadier General and her son didn't get into a particular class and she said, "Well, if he were a black, straight-A all state quarter back, he would have gotten in." And the answer

is yes. But the Academy is not built to service the needs of the individuals coming in. The Academy is built to serve the needs of the country. This has been determined as appropriate policy by Congress, by the Defense Department, the Secretary of the Army and by the Academy itself. But to answer your question, no, I don't get involved in those things particularly in the judicial side.

CD: Although in the judicial side, when you have to worry about sentencing a proven criminal, is that decision affected at all by your knowledge of the correctional system and what you see as problems or advantages in the prison system as it is now?

CROOKHAM: Yes, very much so. I had a chap call me the other day. He said, "You don't remember me." I didn't. For instance, right now, I've got seven hundred people on probation, so it's sometimes difficult to remember everybody. I apparently sent this chap down to the Oregon State Penitentiary, six or seven years ago. He told me he was a heroin addict and I don't remember what his crime was probably a robbery or burglar. He said that the best thing that ever happened to him was being sent to prison. We were talking over the phone and he said that he was on business passing through, and he just wanted to call me and tell me that. He said that going to prison allowed him to be away from particular faces. There are a lot of heroin users in the prison, but at least he was out of a particular group that he had been associated with. He said it allowed him to take a look at himself. There were some educational and other programs that were available that he took advantage of. He was put on work release in the Eugene area and he said that he had a very understanding parole officer, that they had a little difficulty. The parole officer thought it would be best if he moved out of Oregon and they arranged to transfer him down to California so he went to work down there and now he's in business. I didn't ask him details about that, but I thought apparently, I had made the right decision there.

I was aware of what things were available, I frequently will say to somebody I can put you on probation, but I think I'd be doing a disservice to you. I think you need some education and I think you need some structure. You have been running wild for the last

couple of years and you haven't been responsible to anybody including yourself. I'm going to save your life or at least increase your life expectancy by doing this.

I'm not sure they are always grateful at the moment I do it, but at least some of them can respond. I've lost guys on probation who over-dosed or being killed. I had one woman who was murdered a couple of years ago. I had her on probation and maybe if I had sent her down to the Women's penitentiary, she would be alive today. I couldn't anticipate that. Those things, of course, things go through your mind.

I've given people some tremendous sentences. I gave one guy life and two twenties back to back. Gave another guy life and twenty back to back. Other people, I've sort of said, "Go and sin no more."

CD: But there hasn't been any memorable case for you that took precedence over all your years on the bench as far as something that you had to think about for weeks and months?

CROOKHAM: In my business, you don't have time to think for weeks and months. We try cases on a treadmill basis. As soon as you finish one case there is another one and you haven't seen that case until that day. You get the file about noon the day before the trial and then you start it at 9:30 and you go right on through. We are really nut's and bolts mechanics.

CD: Is the overloading getting better or worse?

CROOKHAM: I don't consider that an overloading. That's just the way we do it under our master docket system. In that way we ensure that a judge always has a case to try. Now that doesn't mean that we rush in head long without having some preparations. I've been trying cases for a long time and before I was on the bench, I tried cases and did a lot of appellate work. I thought I knew what a case was when I started. I wasn't as sure as I am

now. Just in handling of the court room because as a lawyer you sit one place and have one set of duties, and as a judge you have another.

I feel comfortable in the system. If there is a case that I am not sure about, the lawyers generally bring that to my attention. The average case, a burglary, a robbery or an automobile accident case, you can try with your eyes shut, virtually. The judge isn't the primary factor in those cases, we have a jury. A jury has to listen attentively to all the evidence, we have to too, but we are just ruling on the questions of the law.

CD: Of course, being a judge means being interested in all aspects of the social system that we have - you have an appreciation of the practice of history. You've done interviews, you sat where I am with Erskine Wood and [Wilber Henderson], and you gave those interviews to the Society. You've also been active in other groups and one of the other interests you mentioned was West Point? Would you care to give a little additional background on yourself as far as the other things you see as a major interest in your own life?

CROOKHAM: My family, of course. My wife, Elizabeth, was raised as a lawyer's daughter and a lawyer's sister and she's been very encouraging in my professional work. I think a wife has to understand and appreciate what you are doing or you tend to have problems. She of course, has got her own activities now, such as with the Marquam Nature Park. This morning was her second or third meeting of the week. She's been with the Mayor this week and she was with Glenn Jackson this week because of the Highway Department and those things.

My older boy, Kelley, lives down at Shangri-La in Fairview. He is the retarded boy and number two, Berkley, is a sophomore at Oregon State. Number three is Whitney, who is now going to Oregon Episcopal Schools. They all have the same middle name, which is sort of a historical thing, I've named them Fitz Charles. Fitz being the son of [which means Son of Charles]. So, they get to carry that handle. It's interesting to see your children grow up. I had no idea that either of the boys would want to go to law school. Both of them had

expressed a disinterest in going to West Point so I had hadn't sold them on that. Though Berkley is interested in the military and is in the ROTC program in Corvallis. He selected Corvallis. He's a political science and Journalist major there. Whitney is on his fifth or sixth potential career, now he wants to be a veterinarian. I think that's because of everything bright and beautiful and all things great and small.

I told you about my father in-land and I should say a bit more about Arthur Crookham. Because Arthur was an historian.

CD: He sure was.

CROOKHAM: He graduated from Southwestern College in Winfield, where both my mother and father went. Arthur then went and got a masters in history at the University of Kansas. He was a frustrated historian. He got into the newspaper business early and came out here in 1915. Dad had been out here already. Arthur did become a practicing historian by teaching at Vanport and then at Portland State College. He started out at Vanport just teaching Journalism and then started teaching American History also.

CD: He was an expert on the Civil War.

CROOKHAM: Yes and he got me interested in the Civil War. I even have my own private Civil War cannon ball and the [gray front] over there was given to me by a judge down in Dinwiddie, Virginia. Sighting the battle of Five Forks. Dinwiddie, of course falls into line with the law and military because that was the one with Winfield Scott. Scott was raised there and practiced law, and Dinwiddie, before he went into the army at the time of the war of 1812.

I've been associated with what is now called the National College for the State Judiciary. I've been privileged in my time on the bench to see a revolution in the judicial system, in the United States, as far as the Judiciary is concerned. We had taken the judge out of his closet and attempted to educate him with some broad perspectives. The National

College has done that. We've run through about three thousand judges in the last 15 years. I was in the first class which was held at Boulder in 1964. There were about ninety of us and since that time we've moved to Reno, because the Fleishman Foundation money built a building on the campus at the University of Nevada at Reno. I've been involved in their programs through this time. It's allowed us to know judges all over the country, see experiences that they had and see how they treated certain problems.

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

**[End of Interview]**