

Roosevelt Robinson

SR 1285.1, Oral History, by Clark Hansen

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ROBINSON: Roosevelt Robinson

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Tape 1, Side 1

2004 February 12

CH: This is an oral history interview with Judge Roosevelt Robinson at his home in Portland, Oregon. The interviewer for the Oregon Historical Society is Clark Hansen. The date is February 12, 2004 and this is tape one, side one. Could you give me your name and date of birth and place of birth?

ROBINSON: Roosevelt Robinson, December 30, 1941, and place of birth Valdosta, Georgia.

CH: How far back in your family's history can you trace your background? I know that you grew up with your great-grandmother, but how far back did you learn about in your family?

ROBINSON: Probably my great-grandmother's parents and my great-grandfather's parents both would have been living during slavery time.

CH: Your great-grandmother and great-grandfather were born about when?

ROBINSON: That I do not know. It was a good while ago [Laughs] a good while ago. Long time ago, should I say.

CH: Back in the 1800s, well into the 1800s.

ROBINSON: Well back into the 1800s, yes.

CH: Do you think it was before or after the Civil War?

ROBINSON: They probably were born right near the time of the Civil War, sometime before the Civil War.

CH: As far as you know, did your family always live in Georgia?

ROBINSON: No. Some of my family came from South Carolina on my father's side. My mother's side, I don't know where they came from.

CH: And what was the town like where you grew up?

ROBINSON: It was a small, quiet, segregated southern town, with a population of probably about 20,000 at the time that I grew up there, and as I said very separated. It was easy to determine the separation because in the white part of town there would be streets and there would be sidewalks. The black side of town—if the streets had been paved there would be no sidewalks. But most of the time there'd be no paved streets in our part of the town, and it was a time of white drinking fountains and colored drinking fountains, and you were expected to be able to read enough to know which place to go. I used to remember a saying, that wasn't necessarily applicable to Valdosta, but what some of the Southern towns said, "Nigger, read and run. If you can't read, run anyway."

CH: In the town [Valdosta] were there rules about where you should be at nighttime and things like that?

ROBINSON: I don't recall any rules of that nature because I actually grew up on a little forty-acre farm about approximately ten miles outside of the town. [phone rings] Excuse me.

CH: I was doing a little research on your town. I found these aerial photographs, and I think that this is the town here although it's not very evident on this photograph.

ROBINSON: Valdosta, Georgia.

CH: And this is the freeway going north and south through the town.

ROBINSON: Right. The freeway wasn't there when I was there. They started building that freeway, I think, in about 1959 that the freeway came through.

CH: Which direction from the town was the farm?

ROBINSON: The farm would have been, let me try to get it right—the sun rises in the east, right?

CH: Right.

ROBINSON: East of Valdosta.

CH: Over by the Okefenokee Swamp?

ROBINSON: You're going in that direction, the direction of Okefenokee Swamp.

CH: Yes, so that would be over on the east side. I was wondering if I could even get a photograph of where the farm was but I wasn't sure exactly where it was located.

ROBINSON: I had one photograph, but I can't put my hands on it right now.

CH: What was the composition of the town. African American to white? Were there a lot more of one race than the other?

ROBINSON: Yes. If I had to guess back in those days it was probably about sixty-five percent white and thirty-five percent Black.

CH: Was there a primary industry or business that the town was centered around?

ROBINSON: Yes, the town was basically centered around a turpentine factory. The pine trees—where the pine tar would be—would be culled and the pine tar would run out of the trees and the raw tar would be taken to this turpentine factory. And a large lumberyard, Langdale Lumberyard, and then just a regular small town, small stores and small restaurants and things of that nature.

CH: And what was your family's composition? Who were you living with?

ROBINSON: I was living with my great-grandmother my great-grandmother Fannie Harrington and my sister Betty R. It was a small, three-person family.

CH: And your great-grandmother. Was your grandmother around?

ROBINSON: Yes, my grandmother actually lived in Valdosta, Georgia. She lived in the city, and then when my great-grandmother became ill in my junior year of high school my

grandmother moved my great-grandmother, my sister, and myself into her home in Valdosta, in the city.

CH: And your parents at that point were out of the picture more or less?

ROBINSON: My parents were out the picture. My parents had been out of the picture basically from the time I was four because my mother was murdered when I was four years old and my father was rearing the two older kids and we didn't have much of a relationship. There was no visiting, although I do recall, on one occasion where I visited with my father for the weekend. He was doing some burning around his home and was not paying that much attention to me and I got too close to the fire and got some severe burns on one of my legs and my pant leg caught on fire and when that happened my grandmother and my great-grandmother just came to the conclusion that he wasn't paying adequate attention to the younger kids, that he should have been watching us closer. And if he was going to give us that type of supervision then we probably didn't need to be in his presence. So the visitations were terminated. That could have as been as early as when I was five years old.

CH: Did you ever find out the circumstances around about how your mother was murdered?

ROBINSON: No I didn't. It was really surprising—in those days the adults didn't talk to the kids about what they considered serious family matters. They just didn't tell you, they just didn't talk to you about it. So even to this day I don't know the facts surrounding my mother's death.

CH: Your great-grandparents were separated.

ROBINSON: They were separated.

CH: And how did your great-grandmother survive? What was her means of living?

ROBINSON: We basically lived off the farm. We grew corn and cotton and we had pecan trees. We would gather the pecans and sell them. We'd sell the cotton and we'd sell the corn. It was a situation where there was a split. Her son, my uncle, Uncle Guy Harrington would come and basically purchase the mule and purchase the plow and the seeds and taught me how to plow and use that, and generally we'd probably get pretty close to a fifty/fifty split. Then we would do—Betty and myself—we would do farm work during the summer and we'd get paid from three to four dollars a day. I think four dollars per day was the greatest amount that I received when I was doing that farm work and then we would save that money. Because if I was making four dollars a day that'd be twenty dollars a week for me, and sometimes I'd work Saturday. My sister, maybe she was making three dollars or three-dollars-and-a-half per day and we would throw all of that in the pot and survive that way. I don't recall my grandmother actually going out working with us in the sharecropping. Most of the time it would just be my sister and I, and my grandmother would stay home and take care of the homestead.

CH: And the place where you lived, the farmhouse, what was that like?

ROBINSON: Oh, it was probably, as I said it was the old traditional forty acres and a mule. And probably twenty acres was useable for farmland and the other twenty acres was in forestland with pine trees.

CH: You referred to it as a homestead. Was there actually a homesteading provision for the land, or how did they get the land?

ROBINSON: No, I think that they probably purchased the land years ago. By that time, Blacks in that area, they tried to hold on to the land that they owned. And I know they had something called old age pension, and I think you could qualify for that when you turned

sixty-five. It was a small amount of money that you'd get each month, but the catch to it was you couldn't qualify for it if you owned land, so consequently you had to sell your land and then probably immediately after you sold your land you'd then be disqualified because they knew that you had the money that you just sold the land for. Then you'd have to spend all the money that you sold your land for, and then you could qualify. But my great-grandmother was not interested in selling the land under any circumstances. She thought that the land was to stay in the family and when she passed on it'd be passed on to her kids. That's the way that worked.

CH: And how long had it been in the family, do you know?

ROBINSON: I don't know how long it had been in the family, but I concluded that it had been there quite awhile because she raised her kids, her grandkids, and now she was raising her great-grandkids. And as far as I knew after she'd married that was the only place that she had actually lived—on that land. [Phone rings]. Excuse me a second.

CH: What kinds of stories did your grandmother tell you about her life and about that place in Georgia? Did she have a lot to say about the past?

ROBINSON: No, my great-grandmother didn't have a lot to say about the past. I could tell that she had a lot of fears about what had happened in the past because she would say, "If you're going to go to work for the white farmers you've got to be respectful and, you've got to watch what you say and how you say it because we don't want a situation where they're coming out here burning the house down or doing something like that." She more or less would share the things not to do, but she wouldn't talk about why she came to those conclusions except sometimes you would know. For example, we'd usually have people who would come in the woods [such as contractors] and they would excavate fill dirt where they were building something such as a recreation center. In Georgia you dig down so far, and there would be clay underneath there. Then when the rains came they'd

fill up those waterholes with water and a lot of kids would go and swim in those holes, and some kids would get in there and their feet would get stuck on the bottom in the clay and they couldn't get out and they would drown. So you can be aware of that fact; she put the fear in us of staying away from those waterholes. Even to this day I'm not a swimmer.

CH: How would you characterize your youth, and growing up in that environment?

ROBINSON: Well, it was an interesting youth in the sense that although my great-grandmother probably had no more than a fourth-grade elementary education, if that far, but yet she believed in education and she was really committed to it for her great-grandchildren that she was raising. She would say to us from time to time that no matter what you did in life, you could get money, a good job, nice home or a car or anything of this nature, but all of those things could be taken away from you. But, if you got an education that was something personal and private that could not be taken away from you. So she really pushed and advocated for education, and in her world an educated person was a person with a high school diploma. Going to college was something she didn't envision at all. She thought that once you got your high school diploma that you had your education made. Because a lot of the young black kids are not going all the way through high school and getting their high school diplomas. Generally, sometimes during the winter there would be winter crops that farmers would grow and they would need some help in either gathering the crops from the summer, and school had already started, or doing something for the summer crop. And if we were in the financial pinch she might take us out a couple days or maybe three days and let us work, my sister and I. When the white farmer would come and say, "Well I need some more workers next week and can your kids come and help me out?"

She would say, "No sir. My kids have to get back in school. They got to be in school." That stayed with me all of these years. And, also, she put us kids first. I mean if she needed a pair of shoes and I needed a pair of shoes, I would get the shoes. She thought we should come first. And we didn't have any medical insurance, anything of that sort, and really no

money to go to the doctor. So generally if we were ill or something there'd be somebody, herself or some of the other elderly women in the community, who knew a lot of home remedies and they would come and treat you with those home remedies and, amazingly, you got well. I remember when I had that severe burn on my leg, she took me to a lady that had some type of dressing that she put on it and after it healed up, and there was no evidence that that leg had ever been burned.

CH: Do you remember what she put on it?

ROBINSON: I don't, I don't.

CH: Or the other kinds of medicines you were given?

ROBINSON: Sometimes they would have something that they would put in a cloth sack. I think they called it a poultice.

CH: Poultice, yes.

ROBINSON: And they would wrap that around your leg or the affected part, and then they had all kinds of medicine for colds. The worst that I can recall was castor oil—castor oil with a touch of turpentine. Oh that was just the worst thing that you could give a kid. "But this will make you better, this will clean out your system," and it really did. [Laughs]

CH: It'd make you want to get better very quickly. [Laughs] What was the community like? Was it a close-knit community?

ROBINSON: It was sort of—her sisters were our neighbors. One sister lived about half a mile away, and another sister that lived three-quarters of a mile away, and the other sister was about a half-a-mile away, but in a different direction. And it was just interesting; they

would visit with each other and they would come up so close and if they didn't come all the way they'd be yelling messages across the field to each other. It was always interesting when somebody came to visit. There weren't many cars at that time that people had, so they'd be walking. So at the end of their visit you'd walk part of the way home with them. You'd walk about maybe halfway home with them, and chat with them and just have a good time doing that. Then you'd turn around and come back home. But it was a true statement that it takes a village to raise a child, because if any of my great-aunts had seen me or my sister doing something that we shouldn't have done they had a right to chastise us right there. And even if they chastised us and told my grandmother about it then we got chastised again because we shouldn't have done it in the first place. So generally if you did something and you were chastised about the thing that you had done you were kinda glad if they didn't tell or pass it on to your grandmother. You'd just accept what had happened to you and determine that you should not do that again and keep on going.

CH: What was religion like in your family?

ROBINSON: Religion didn't play a large influence in my early life. There was a Baptist church near Delmar, Georgia that's where my great-grandfather lived and it wasn't no more than maybe a quarter mile away from his home. And about the only [thing] that I can remember in growing up was the fact that they would have—

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

Tape 2, Side 1
2004 February 12

CH: This is an interview with Roosevelt Robinson at his home, February 12, 2004, and this is tape two, side one. We're continuing from tape one, side one. And you were talking about religion and the part that played in your life.

ROBINSON: In the early part of my life it didn't play a very large part. As I was indicating, there's a Baptist church in Delmar, Georgia about a quarter-mile away from where my grandfather lived, and I remember at least once per year we would go to what was called the big meeting. That day there'd be preaching and singing and all the families would cook up all kinds of just wonderful, just wonderful, food. Vegetables out of the garden, hams, pies, cakes, and there'd be tables and there'd be a big spread and you could just go out and eat and eat and eat. You could almost hurt yourself. Because they were tremendously good cooks that'd be putting that food together.

CH: What would you eat?

ROBINSON: Just some of all of it—collard greens, mustard greens, corn, ham, ham hocks, blueberry pies, just the gamut of foods.

CH: Did you have any favorites?

ROBINSON: No, I think I was such a big eater, all of it was my favorite. [Laughs]

CH: You know people have this impression of that part of the Deep South; they refer to it as the Bible Belt.

ROBINSON: Bible Belt, yes.

CH: How come your family wasn't that religious?

ROBINSON: You know I really don't know. It was just something that we didn't discuss and it was probably in my high school years that I became more involved with religion. And even then it was a choice that I made and my great-grandmother did not. Now her sisters, the ones that I told you that lived in close proximity to us, they would go to a church, the Church of Christ in Valdosta, and I think almost all of them attended on a regular basis every Sunday. And I started going there, but my great-grandmother didn't discourage us from going and didn't encourage us to go. She just basically left it up to us.

CH: How did you get around?

ROBINSON: Well generally what would happen, one of the sisters and her husband had a car. They were the lucky winners of a 1952 Chevrolet Sedan. One of the grocery stores had the Chevrolet car contest for a luck person to win, and every time you went shopping they gave you a certificate, showing that you'd shopped, with a number on it. And they actually won that new car, and so that was transportation. I had another great-aunt that lived in the area. Her husband had a pickup truck and we'd get to ride with him and my other uncle that had won the '52 Chevrolet, and that's how we got back and forth from the farm to Valdosta, Georgia.

When I became a teenager, I had a friend that lived farther east of me and his father had a vehicle. And it is my understanding that most times the weekend would come around, his father just basically stayed home and drank his alcohol and was not available to drive his car, so he would let his son drive his car. And so his son would get his fifty cents together and I'd get my fifty cents together and we'd go put a dollar's worth of gas in the car, and we would ride all over the countryside. We were hotshots. We'd come driving up and the girls would know that they'd have an opportunity to ride around with us

and in a motorized vehicle! And I enjoyed doing that, that's really how I was able to have transportation.

CH: Now yesterday you were telling me about your great-grandmother's house and I believe that you said that it had one large room where there was a living room and a bedroom?

ROBINSON: Right. One large room, living room and bedroom and then the kitchen was off to the side connected by a porch. I think in those days they felt that if you were cooking something and the kitchen caught on fire it was better that it not be a direct part of the house. And then there'd be another porch and in our place we had a couple of bedrooms on that porch side and my bedroom was the very last one going away from the main quarters. And we had a guest bedroom that was in-between myself and the house. And, you know, sometime when it rained hard there'd be leaks, a little water would come from the rain. But one of the things I enjoyed amazingly, it had the tin roof and when the rain is coming down hard hitting a tin roof, you can hear almost every drop of rain that was falling. And one of the mysteries that we dealt with, with all we had, but generally when it rained like that, water would be running through the yard and there'd be small fish in the water. How do the fish come in the water? Does the water go into a pond and overflow the pond and then the fish swim out of the pond? Most of the time they were very small fish, they were not large enough to eat or anything like that; they were just the beginning, so I think sometimes we concluded that when the clouds drew up water from the different ponds those little small fish would be in there and then when it rained that they would come back in the raindrops; then they'd try to head to a river or pond or somewhere to thrive.

CH: What did you use for cooking and heating with?

ROBINSON: Wood. We had plenty of wood because as I said we had about twenty acres under cultivation for farming and about twenty acres in forestland. And there'd be trees

that would die and we'd go and cut them down and bring them to the farm and then cut them up for wood. We had wood to go into the fireplace. And the only heat that we had was the fireplace in the main quarters. There was no heat in the guestroom, and the room that I slept in. And then we'd use that wood also to heat up the wood stove to cook and food on the surface, the top of the stove and also there'd be an oven that would get warm from the flames. Some good food that you couldn't hardly envision would come from a wood stove. It was just wonderful. Just wonderful food. Baked products and the other products.

CH: And for light?

ROBINSON: For light we used a kerosene lamp or a lantern. We didn't have electricity in those days.

CH: And water?

ROBINSON: Yes. The water would be a pump outside in the front yard.

CH: A hand pump.

ROBINSON: You'd go out there to a hand pump, and prime the pump. Sometimes to get the water to come out you had to pour some water in, we called it priming the pump and then it would catch and you could pump water out. And then also we had a well. Because sometimes the water table would get low enough where the pump could not bring up any water. It depends on how deep the pump had been placed. And generally in those cases we'd go and get the water out of the well.

CH: When you would finish pumping the water up with the hand pump then at the very end you would catch a little bit of the end water in a cup or a jar to use for the priming.

ROBINSON: Priming next time, absolutely. Absolutely.

CH: Next time, yes.

ROBINSON: Absolutely.

CH: So then what was your bathroom like?

ROBINSON: It was the outdoor, outdoor toilet.

CH: An outhouse?

ROBINSON: Outhouse, out house.

CH: And then for showering and things like that would you do bath bathing?

ROBINSON: We had a washtub, a washtub. In the wintertime you'd warm up some water on the stove and then pour it in the tub and then you'd take your bath right there in the washtub.

CH: When you were growing up there did you have an understanding as to where your family, where you were economically compared to the rest of the people? Did you consider yourself to be poor or did you not think about those things? What did you think about your situation?

ROBINSON: Really didn't spend a lot of time thinking about it because almost everyone that lived around us was in the same condition, even the Whites who lived close to us, geographically. Even though they had it a little better than we did, they were poor also.

And a lot of time the farms that they lived on and ran, they were sharecroppers just like Black sharecroppers and so they were not in better shape than we were. So we lived in a real low-income community, where sometime there's almost parity between the poor Blacks and the poor Whites. And really we had a lot in common, because after the Civil War and all the problems they were having in the South, at one time as a political force the poor Blacks and the poor Whites were unifying to try to make life better for each. And the powers-that-be saw that and it was really a threat to them, and then they came up with a lot of the Jim Crow laws and all of the things to make the Whites not cooperate with Blacks and things like that. But there's a lot in common in that.

And for me I just didn't worry about. I had the confidence in my great-grandmother that some kind of way we'd make it. I could walk in the kitchen and look right in the kitchen and basically, according to my eyes, I didn't see anything. You know what we were going to have for dinner. I didn't see anything but yet she would have canned goods that she had canned in the summer, she might go to the store and the store would give her some bones, a lot of the meat bones, neck bones and things like that would be just given to her at no cost. And a lot of time, you know, we liked pork chitlins and a lot of those things the White farmers would just give to the Blacks who lived there, if you knew they were going there and you would go get pork brains and ham hocks and neck bones and all those things. And some of them were really delicacies until the folks found out how good they were and they started eating it themselves and selling it to us. [Both laugh]

And then we have also an interesting— we had what was called a “rolling store.” That'd be somebody that would buy a little truck, it could be a pickup truck, and put kind of a camper shell on there and they would have, like grits and rice and cookies and powdered Kool-Aid and things like that. And maybe once a week they would come driving up in the yard and park and if you had a little money saved you could go out there and buy some of the items, and that was always interesting to get some new food into the house without having to try to go all the way to Valdosta to get some. And then for an icebox, we'd have an icebox, we didn't have a refrigerator, we had an icebox where the iceman

would come and have these big blocks of ice and you'd buy a twenty-five pound block or a fifty-pound block and you'd put it in the icebox.

CH: Top compartment—

ROBINSON: Top compartment, and it would keep the icebox cool. And on a hot day, you'd chip a little of that off into a glass and make some cold Kool-Aid. Wow! Strawberry flavored and grape flavored, and you felt you were in seventh heaven, because at that time they generally had Kool-aid that you could get in the powder form, or you could get it in the liquid form. That was wonderful, but you had to use it as quick as you could, because that ice would be melting and dropping down to a pan underneath the icebox and you had to empty it, you had to keep that empty.

CH: You explained a little bit about your school and you said it was a one-room school—

ROBINSON: It was a one-room—traditional one-room shack. Since the school system was strictly segregated at that time I'm sure that the White kids were not going to a one-room shack, but we were. We had a big potbellied heater in the middle of the little one-room shack and sometimes the school system would set out some coal and then the boys would generally go out in the forest around the school and cut down the small trees, dead trees, or things like that. And between the coals and that in the wintertime we could heat that little old one-room shack. And generally, there would be a divider in the school and on one side there'd be first, second, and third grade and on the other side of the divider would be fourth, fifth, sixth, and seventh grade. The principal generally taught fourth, fifth, sixth, and seventh grade and the other teacher would teach first, second, and third grade. And in some of those cases we had some very good teachers. Sometimes we'd run across some that were fairly weak, but even the weak teachers had a commitment to teaching the students and letting the students learn as much as they could.

CH: There were how many students?

ROBINSON: Oh, golly, in that little school, I'm going to take a guess, and say probably no more than fifty. No more than fifty students, if that many. Because a lot of the kids, so many of the kids dropped out of school and went to work to try to bring money into their homes so that they could live and so forth. It was almost like a luxury to be able to go to school.

CH: They were Black teachers?

ROBINSON: Black teachers, yes, Black teachers. And sometimes someone would come up with innovative teaching methods. I remember a math teacher; whatever we were doing in math, it was always competitive. We had to go to the blackboard and she would call out what the problem was and you had to get the right answer and the person that got the answer the quickest, mark that down for you. And I was pretty swift. So all the time I would get more than my share. And that means all the other kids then had to fight to see how much they could get because you got a swat on the hand for every math situation where you didn't meet your quota. If you were expected to have ten and you only had five, well then you would get five swats on your hand.

CH: With what?

ROBINSON: With a ruler that had quite a sting to it.

CH: Boy, they wouldn't get away with that now would they?

ROBINSON: No, and I became acquainted with the ruler only once. I had the flu or something and I missed a week of class, I came back to class, time for me to go back to the board and resume my preeminent position. I went up to that board and the teacher would call the problem out; I think I'd probably be about halfway through the problem and

the other students would have the answer. It just went that way that day. So at the end of the class I had to bring the old hands up there, and swat, swat, swat, swat. But that was the only time. I went back home and jumped in that book and got that math together. That was the only time she had an opportunity to swat me for not getting above my quota—just that one time. Because, she gave me an hour when I first came back she said, “Roosevelt, you’ve been out for a week. Would you like for me to help you with your math because the other kids may be a little ahead.”

“I can handle it. I can do it.” I learned the hard way.

CH: Well, how did they teach several grades at one time?

ROBINSON: Generally, you might have the third graders reading to the teacher. You might have the other grades reading to themselves, drawing pictures, coloring or something, and there was always something to do. There was not lot of downtime. The teachers would find something for you to do.

CH: You’d have to learn to focus and concentrate and not get distracted by all these other things going on.

ROBINSON: Absolutely, absolutely, absolutely. Because all you knew was the situation that you had, and you concentrated on what she told you to do because if she was busy—it was small enough quarters, if she had a third grader reading, or something, she could just take a couple of steps and look over there to where you were and determine that you were not doing what you were supposed to be doing. If you were playing with the little girl in front of you or whatever. She was always available to chastise you if you were not doing what you’re supposed to do. She must have had eyes in the back of her head. [Laughs]

CH: Was your great-grandmother much of a disciplinarian?

ROBINSON: She was not a consistent disciplinarian, but when she did discipline you, you knew that you had been disciplined because you had the bruises and things on your body where that switch would come down and be so painful, you knew that. So because of that you tried to do the right thing. Doing the right thing, you didn't have to worry about getting that switch.

“Go bring that switch here to me, and come here to me.”

And wow, wow. And she could hit pretty good. So I was a pretty good kid, and it just inadvertently when I would do something that she felt that I had to be punished.

CH: How do you think that your sense of ethics and morality was formed? How was that built into your life or created?

ROBINSON: I think from the family, you know, from the situation of treating your siblings correctly, and being respectful to your parents and being respectful to all older people. It was always “Yes sir, yes ma'am, Mrs. Brown, Mr. Brown.” If you called a grown person by their name, that was a no, no; you didn't do that. And because of that situation you tried to do those things.

[End of Tape 2, Side 1]

Tape 2, Side 2
2004 February 12

ROBINSON: —How you treated your family and how you treated other people you came in contact with. You were encouraged to obey your teachers and not be a problem to your teachers. If you were working for a white sharecropper, you had to watch your mouth, and be respectful. I remember one incident. This white family that were sharecroppers— I don't recall how they found out about me— but they would be gathering tobacco and they would need an extra hand in addition to the family members that they had. So they would come and get me and hire me to work in the field with the kids, and I would be the only black person on the farm. And if there was a white kid, my age and my weight, if he said something to me and I didn't like it I could put my working utensils down and go grab him in the collar and we could get it on. And the older kids just went right on with their work. I mean you went over there and you jumped on him; if you could whip him, whip him. He probably deserves the whipping. But you couldn't— if it was a little brother, baby brother, or something like that, and you were older, you didn't go and jump on a baby brother. And just because they were larger than you and stronger than you they wouldn't come and jump on you. They would just let you have it out and then by the time you got through rolling around and punching and looked up and everyone else was in advance of the work that you got, you had to decide, "We better quit this and go to work and catch up with those guys up there." And that was the end of it.

CH: You never got chastised or you never got in trouble for beating up on a white kid?

ROBINSON: Never got in trouble for it. I guess one of the most frightening things I had happen once, I was over there and I think I was not at that point in time the only black person there, but we were going into the barn and this white kid, my age was going in at the same time. I don't know whether he was putting away our working tools or what. And I looked up and he had a pitchfork in his hand and he was charging me with that pitchfork

and I kind of looked around and I saw a shovel and when he got close enough I rapped him with that shovel. I hit him so hard he forgot that he had the pitchfork, and threw it down and that was the end of it. But I don't know why even to this day, I don't know why he picked up the pitchfork. It could have been one of those days where we had had a little "get together" out in the field and I had physically bested him and he figured that he needed some help to even it up and he would go ahead and get this with—a pitchfork is a vicious looking item when someone has it in front of them and they're charging straight for you. That's not something you go hand-to-hand; that's when you need something in your hand to work with.

CH: Did you ever experience any racial incidents of overt discrimination growing up there?

ROBINSON: No, not really. Because everything was sort of straightforward. You'd be out working in the field with the white kids and they would say, "I don't mind working with you." I'd hear, "I have no problem at all. But I wouldn't want to go to school with you. But you're a good worker and you're an okay person and I have no problem with that at all. But the school, no I don't think the races should be together at school." The older Blacks were very protective, especially of the young black males, because a lot of times I'd be on the back of a truck and we'd be going from one field to another field to do some more work. We'd sit down with our feet swinging out of the back of the truck and generally I might be sitting next to a white male, a white boy, we'd be sitting together and sometimes his sister would decide that she'd want to come and squeeze in between myself and her brother and I thought you know, growing up, a young man, "This is alright." But soon as that would happen one of the older Blacks would say, "Roddie, get up from there and come here." She would get me out of harm's way.

CH: They called you Roddie?

ROBINSON: Yeah, they called me Roddie and they figured that— we'd come driving up to the farm and the father coming would be coming out there and saying, "What is that black boy doing sitting next to my daughter?" That was a no, no. That was a NO, NO. You didn't do that.

CH: Did you have any mentors as you were growing up?

ROBINSON: As I was growing up, I think probably the mentor that I would have had would have been my uncle, Uncle Guy, the one who assisted us on the farm. He taught me how to work. Then when I got going he might go back to the house and get in a chair under the pecan tree and sit down and go to sleep. And then I would be just working, working away. But there were some perks for him in that too because if we raised some hogs, and we did, and it would come time to butcher the hogs and then take the meat somewhere and have it cured, very seldom would we get ham. He would generally keep the ham and the choice pieces for himself and we'd have the shoulder. We'd have the shoulder as opposed to the hams. It just went that way. At one time we did have some, I thought it was ham, but I don't know where we got it from.

We had what was called a smokehouse, a little building out from the main structure and you used damp logs and stuff that created a lot of smoke and you'd hang the meat up in there and then you would just cure it. The smoke cured it, and that was some of the best—you could just go in and if you had a knife with you, you would just slice you a piece of ham or something. It was so good you didn't even have to cook it. You could just eat it— slice it and eat it right there. That was really just choice meat. But finally, I don't know something maybe happened to the barn because I don't remember us doing that later.

CH: What was it like when you went on to high school then?

ROBINSON: Well, where I went to high school was a little larger building. I do recall that I never did see a new book when I was in high school. We always got the hand-me-downs

books that the white kids had used previous years, and when they got new books we would get the hand-me-downs. We didn't have a library. The principal would have in his office books in a bookshelf and you could go in to get some of those books and read them. We didn't have a gymnasium, we didn't have a cafeteria; we had just a basic desk and chairs and teachers to teach us. At that time it went from eighth grade through the twelfth grade.

CH: Did you like school?

ROBINSON: I enjoyed school. School was one of my favorite things to do because it was something that I was good at. I graduated valedictorian of my class and a very close friend of mine, Jim Morrison, who is living in Portland right now, was salutatorian of the class. My grades came out tops for my high school class.

CH: What do you attribute your enthusiasm to schooling to?

ROBINSON: From a great-grandmother.

CH: From your great-grandmother.

ROBINSON: From the encouragement that she continued to give me. I became an avid reader. I just loved to read. I would just read almost anything I could put my hands on and I just enjoyed reading comic books.

CH: Did she teach you to read?

ROBINSON: I think she taught me some, but she didn't get into it very extensively, and then, I think, I was more or less self-taught from then on.

CH: Writing too?

ROBINSON: She did teach me some writing. And I guess I'm very limited there because I don't write very well even today. [Laughs] My writing is kind of scribbly and shaky, but I was able to get by. High school was just a wonderful time for me, and plus it was a more independent time for me, because in high school I didn't have a lot of family members who was there with me. Where in the elementary school, my brother was there and my aunt was there and there were so many Robinsons and related people to the Robinsons there until you're sort of in a safe cocoon, you know, and they did the same thing. If somebody wanted to fight you and they were your age and your weight you had to deal with it yourself. They were not going to come to your rescue, they were not going to tell the other kid to quit beating up on you. What they wouldn't stand for— you knew you didn't have to worry about a bully larger and stronger than you coming—they would step in then and say, "No, no you don't try to have a beef with him. He's with me and you're too big to be picking on him." So you just had all of this protection around you. Then in high school, and I'm basically alone because the high school I went to was fifteen miles away from where I lived and we rode the school bus every day back and forth to there. And I had to adjust to not having that extended family support, and learned how to get along myself.

CH: But they were all black students?

ROBINSON: They were all black students, and in those days they sort of respected the smart kid that was getting his lessons and turning them in on time, and getting A's. Sometimes they'd come to you and say, "Will you help me with this? Would you help me with that?" And so forth. And you felt like the protected product. You were their star student and since you were a star student you weren't getting involved into a lot of the other things. And then by that time you were getting almost too old to be fighting because you could get hurt. The fists got a little tougher and a little harder in your teenage years and generally

if a problem came up you tried to come up with some type of way to resolve the issue without going to fisticuffs, and only be it that if you had absolutely no choice. [Both laugh]

CH: So you used your intelligence to figure a way out of getting in fights.

ROBINSON: Absolutely.

CH: Did you have a sense as you were growing up as to what you were going to do later in life, or what kind of future you were going to have? What kind of expectations did you have of the future?

ROBINSON: I had no expectations of the future. I thought there was another world out there, but I couldn't tell, you know when I looked at the horizon to see like the clouds came down and met the earth—and that would not be that far away when you're standing on flat ground—I thought there was something else out there. And then in school I'd read books about people traveling to other parts of the country and I sort of had an idea that there were other parts of the country. And when I got near graduation, for some reason, I thought I would like to be an electrical engineer. But having no money at all to go to college, not knowing anything about scholarships, the teachers, administrators going out and beating the bushes and looking for scholarships for the bright kids, well that was just sort of a pipe dream, and I let that go by the wayside. So, then I thought I would just probably get a job somewhere and just work.

CH: What kind of work, farming work, in town, or—?

ROBINSON: Farm work. At one time I worked for a bakery part-time. I'd go in about four o'clock and work to about eight o'clock. That way I could get in time where we could start cooking the donuts and various pastries so that when people started going to work they could stop by and pick them up and they would be nice and warm.

CH: By the time you graduated from high school, how far had you ever gotten away from where you grew up, from Valdosta?

ROBINSON: Probably Jacksonville, Florida would probably be the farthest I had gotten away.

CH: But not Atlanta.

ROBINSON: Not Atlanta. I didn't make it to Atlanta. Could have made it to Atlanta because sometimes the football team, if they made it to the championship, would be playing in Atlanta. But not having transportation and money to buy the tickets, I never did go to the out-of-town games.

CH: Were you involved in any sports or activities?

ROBINSON: I tried football once. Once. It didn't work out for me. I was tall, I thought, at six-one, and skinny, about a hundred and twenty pounds. And some of those guys were big strong guys and you would look up and see one of those guys coming at you and it was your responsibility to tackle that big fullback. And you would go ahead and hit him, but golly, I always got the impression when we got unscrambled and everything that I'd gotten hurt more [Laughs] than the fullback that I had just tackled. Then the other thing, I remember, I lived about fifteen miles away and when the school bus left there was no way for me to get home. I had to walk out to the highway and thumb a ride into Valdosta and after I'd thumb a ride to Valdosta I still had ten more miles to go to get home to the little farm. And by that time of day a lot of people are not driving down the road and you can't get a ride. Then if you get a ride, usually when they put you out you still had, then, about another three miles to walk to the farm. Then, by the time you got to the farm all your chores still had to be done. So by the time you got your chores done, you look and just

said, “Nope, I can’t do that.” I mean probably if I’d have been some type of a star player the school may have made some type of arrangements to have the coach or somebody to drive me home because they needed me to be there playing, but I didn’t have those type of skills so it worked out just that one time.

CH: Did you ever keep up with the lives of the people that you grew up with there and find out what they ended up doing?

ROBINSON: To a certain extent. There’s one lady I went to school with, her name is Theresa. She has taken that upon her shoulders— she lives in Valdosta— to try to keep up with all of her classmates. I know one of my classmates became a schoolteacher, another one of our classmates, became a lawyer; he has his own law practice in Atlanta. And then there’s a number that started their own contracting businesses building homes and things of that nature and some who just went out and got a job and worked the job. But I do recall the attorney and sometimes I’m in touch with him. We’ll touch base for various reasons. And the one that became the schoolteacher, he passed away two or three years ago. But now I’m sure that there are others who had a certain amount of achievement that you wouldn’t have expected to come out of that type of setting.

CH: What about your siblings?

ROBINSON: Well, my brother didn’t complete high school. My older sister did not complete high school. My brother left school and went so he could make money and help with the household expenses. My older sister quit school so that she could help raise the kids of my father’s second marriage. And the only people that went on through high school were myself and my younger sister, Betty. Then she got married and was in the process of being busy, raising a family—four boys—and working a full-time job.

CH: Did she stay in that area?

ROBINSON: Yes, and she's still down there working on the farm and selling Avon and taking care of the family. She just worked herself— I just don't see how she did as much as she did.

CH: Looking back on that period of growing up in that community, were there any major formative experiences that you had that shaped your life, events or episodes?

ROBINSON: Not really. I can't think of any. You know, the situation— what do you call that when there's some major thing that happens in life that just completely changes your life? There's a term for that.

CH: Either a watershed event, or a revelation?

ROBINSON: That's still not the word I want, but I don't recall anything of that nature. And, you know after I got through high school I worked, I went to North Carolina one summer and weathered tobacco. We were working for a company that was purchasing tobacco from the farmers and we would be grading it and unloading it and stuff like that. And the top grade would be for the best tobacco and the lesser grades would be for the cheaper tobacco. So that was a good experience for me. And just before— then I had my good friend Jim Morrison that I was talking to you about— we went to the same church, Southside Church of Christ there in Valdosta, and he went to the a junior college; a theological college in Terrell, Texas. I think he started in the middle of the year, like in January, and he put a whole semester in and he started talking to me. He said, "This is probably something that you would like to do. I really enjoyed my first semester there." In the meantime, that freeway was coming through Valdosta and heading on east, I got a job with a little subcontractor that was cleaning up the right-of-way. That was a time when I made more money than I ever made before in my life because the minimum wage law

went into effect and this was working for a federal job. And I was getting paid a grand sum of one dollar per hour. And that was a lot of money.

CH: [unclear]

ROBINSON: Oh golly, that was, you were in high clover, and that—

[End of Tape 2, Side 2]

Tape 3, Side 1
2004 February 18

CH: This is an interview with Judge Roosevelt Robinson at his home in Portland, Oregon. The interviewer for the Oregon Historical Society is Clark Hansen. The date is— what is today?

ROBINSON: The eighteenth isn't it?

CH: February 18, 2004 and this is tape three, side one. In our last session you had mentioned that you were able to save up a little bit of money and get a scholarship to go to a school in Texas.

ROBINSON: Right.

CH: Could you tell me a little bit more about how you were able to go to that school and why you went there?

ROBINSON: All right. The school that I went to in Terrell, Texas. It was about thirty miles from the city of Dallas, Texas. It's a small protestant theological school and that school is connected to the church that I attended—and a lot of the black ministers—the Church of Christ came from that school, which is Southwestern Christian College. You and I was talking earlier about the cost of tuition; at that time the tuition was \$300 a semester. So you could go to school for the full year for \$600. And I think I received a scholarship that gave me \$300 per year, then that left three hundred for me to come up with myself. And from work I did during the summer months, when I wasn't in school, I was able to pay most of it. What I couldn't pay I was able to take out a student loan for. And it's just amazing when I look at what type of debt young people are coming out of college with today, thousands of dollars, I think \$600 was my student loan debt when I graduated from

Southwestern Christian College. I majored in theology, and while I was there I did some preaching. It was a small town about thirty or forty miles from Terrell and right at this moment I can't think of the town, but I had to get on the bus on, probably Saturday, and ride the bus down to the church and spend the night with one of the members. Then I would preach Sunday morning and then have dinner with one of the families of the church and then I'd come back to school. But I only did that for the last six months that I was in school.

CH: And were you planning on going into the ministry at that point?

ROBINSON: Yes, I was planning on going on into the ministry and I eventually did so. I had a small church here in Portland. It was called the Piedmont Church of Christ and I was the main minister and my assistant minister was James Morrison. He was a close friend of mine from Valdosta, Georgia and we sort of adopted each other as brothers. And he was the one who, about a month before I graduated in May of 1962, wrote me a letter saying, "If you would like to come to Portland, Oregon when you graduate, I will give you the money to purchase yourself a ticket on the Trailways bus."

And I said, "That will be wonderful." And he sent the money, which I've never repaid. He has never requested that I repay him. Another person, Frank Baldwin from Valdosta, Georgia, came out because he had met a young lady that was his girlfriend that lived in Portland, and Lee Sildy was another good friend that lived in Portland. And so we all got on the Trailway bus and rode all the way from Terrell, Texas to Portland, Oregon. It was quite an adventure. I knew as soon as I got here— it was raining— and I got here in May of '62, and I could just tell that I probably was not going to like this place. I asked somebody, "Does it rain here all the time? Do you guys ever get any sunshine?" But I adjusted to Portland quite well and lived with some older members of the church who did not have any kids and they were glad to rent a room out to myself and Jim Morrison. We had our own rooms and they were willing to let us live with them until we got a job where we could start paying rent. So that was the next thing on the agenda was to find a job.

CH: How did your friends— why did your other friends—?

ROBINSON: My other friend, he was a member of the church in Valdosta, Georgia, Southside Church of Christ. The minister that was preaching at Southside came out to Portland to take over the Church of Christ here in Portland and they were going to build a new building. And in doing that my friend kept in contact with him and he let them know that initially there'd be some work for him because they would pay him to come and help work on the building. So that was why he was here, working, and he was making money. But by the time I arrived the church building had been constructed and he was no longer working on that building. And that was the Mallory Avenue Church of Christ.

That's when the two of us started looking for work. We would get up in the morning, we would borrow a car from the minister, and we would look for work as if it was a job. We'd be out at eight o'clock in the morning and we would go and go to as many places, and put in as many applications as we could. The surprising thing to me—now this is in May and June of 1962—was that there were a certain undercurrent of covert racism. I grew up all my life in Georgia, so in that situation you knew where you stood with the people that you was dealing with. You knew there were some jobs you didn't even walk in the door and try to get hired because you knew they were not going to hire you, so you didn't waste your time.

CH: Could you give me an example of how a situation like that would have occurred in your hometown and then what would have happened under the same circumstances here that led you to believe that there was this covert racism?

ROBINSON: Well, in my hometown there is a saying—for example, if there was grocery store and you wanted to get a job bagging and carrying individuals food out to their car, I wouldn't have gone and applied for that job, because I knew before I applied they would not have hired me. When I came to Portland you'd go and you'd do an application and they

would say, “We would like to give you a job and consider you but are you a union member?”

I said, “No, I’m not a union member.”

“Well, if you go and become a union member then we can hire you.”

But then if you go to the union and say I want to become a union member they would say, “Do you have a job?” Well, you didn’t have a job because you’re out there looking for a job. And so you’d get that. They would say quickly, “We don’t have any openings.”

And we’d say, “Could we just fill out an application anyway?”

So we would fill out an application and quite naturally never did hear from the individuals. But finally we went to Nabisco on North Columbia Boulevard, where they make those wonderful cookies and crackers and Ritz Crackers and Oreos and graham crackers and so forth, and we both put our application in and they hired my friend Jim Morrison. They hired him and put him to work, but I didn’t get hired.

About a week or two later they called me and said they were offering a job to me. You were on probation for approximately sixty days at the time, and I was just really frightened because I enjoyed the job and I was trying to work as hard as I could and one of my supervisors kept saying to me, “I don’t know whether we’ll be able to keep you or not. I just don’t know whether you’re going to make it.” And after having struggled and scratched so hard just to get a job that was really frightening. So it was a wonderful day when they called me in and said, “Well, you have passed your probationary period and you have the job.” And I was eventually placed in the sanitation department. That’s where we either cleaned equipment for the production of the cookies and crackers. Or we cleaned up the facilities, the cafeteria and the bathrooms and the flooring and the ceiling, because quite naturally with all that flour and everything going it really was a place that needed a lot of help.

Well, after working with them in the sanitation department for a while— I tried to do the best job that I could. We’d have generally one supervisor on each shift supervising us and I wanted to be in a position where they could just tell me at the beginning of my shift,

“I want you to go and take care of this area out here.” And then they wouldn’t be looking over your shoulder. But you’d be working away and every once in awhile you would look over your shoulder and see some guy standing behind the post watching you. And I worked the third shift, and that was tough for me to get adjusted to working third shift. Because sometimes I think, “I could just go to sleep standing up.”

And I actually met my first wife at Nabisco, Beverlee Foreman. She worked in the icing department and I’d be walking by her going to work at the sanitation department and she had this wonderful smile. And I thought, “Well, you know when I think I get a few moments I’ll stop by and talk to that young lady.” And I did. And we dated and eventually got married.

Then, I think it could have been after about six or seven years the assistant plant manager called me into the personnel department one day and said, “Would you like to become a line supervisor? We’ve been watching you work and we’ve been pleased with your work ethic and the way that you work and way that you held yourself and not creating any problems. We know this could be somewhat a problem because we’ve never had a black line supervisor.”

And I knew that there could be a problem there too because some of the Caucasian employees didn’t even want to work with a black person. I had a friend that worked at Nabisco for a short amount of time and he would tell me that he’d be sweeping up the floor, and there’d be a Caucasian needing someone to help him lift the large container of ingredients to put it in the mixer and he would come and say, “Can I help you?” And the guy would say, “No thank you.” And he would just wait till another Caucasian would come to help him, but he didn’t want a black person helping him. And most of the Blacks worked in the sanitation department, icing and packaging departments, but very few worked in the mixing and baking department.

CH: Why is that do you think?

ROBINSON: Probably the guys that worked there, the Caucasians that worked there, didn't really want to work with black people. They had supervision, but a lot of time they were sort of on their own doing their thing and they sort of set up the job the way that they wanted to do it. They worked it out beneficial to them, and I think they didn't feel that a black person should have that opportunity. Because two mixers could relieve each other. They could extend their break because they if you want to take the extra break they'd just call one of the other employees over and say, "Will you help me lift this in? I need to make a couple of batches of Ritz while my buddy's on the break." Or two bakers could get together and one baker would say, "Go ahead and take a little longer break because I can watch both ovens while you are gone." And those type of privileges they felt simply belonged to them. So since they were asking me to undertake this burden I said, "I want to be a line supervisor in the baking and mixing department." [CH laughs] And the assistant plant manager was just a generous and good man and he said, "If you have any problems while you are working, just let me know and I will intervene with you."

And getting that information from him I had to make up, in my own mind, that I would never need to go to him saying, "I can't get along with this white person. He's just too tough for me to deal with." That I would try to, in my own way, figure out a way to work with this person. And during my training you had to do basically every job in the department. And then in 1965 early one morning, half asleep, I was helping my mixing partner lift a large can of ingredients into the mixer and he was from the old school. Instead of just using the muscle he would just lift the can and bring the mixer down and then we'd put it on the lip of the mixer and then he would raise the mixer up. And I wasn't being careful, I was trying to brace myself, so there was a hole on the top of the mixer, an opening there, and I stuck my hand in that opening and didn't know anything, when the mixer was closing it also came across that hole. Well my hand was attached to it and it just crushed the fingers on my right hand and that was a traumatic situation, but when something like that happens it's so traumatic— what is that that goes in your body when you're in a hyper state?

CH: Where you're hyperventilating?

ROBINSON: No it wasn't hyperventilating—the adrenalin.

CH: The adrenalin was kicking in.

ROBINSON: Adrenalin was taking over, and I just reached over my head and grabbed my cap and just put my cap over my hand and went to the elevator and went down to the nurse and she called a cab for me. And eventually a cab showed up and took me to the hospital downtown, I think there was a hospital downtown at that time. It was called Physicians and Surgeons Hospital. And then I had to wait in pain because after the adrenalin rush was gone the pain set in, and I had to wait there for about a half an hour until they could get the surgeon. He finally showed up and did the operation and took all the pieces that weren't hanging on and that which need to be sewed up and everything. And I continued my quest to be a line supervisor even after the injury. And then I made it and they promoted me to assistant foreman in the mixing and baking department. And that included assembly mixing and baking.

The assembly department was the department where the small amounts of ingredients, like five pounds and ten pounds of various ingredients that went into the various cookies and crackers would be weighed out and put in a bag and something written on the bag to let you know what it was. And then if you were making Ritz crackers you would put enough for one shift on the container. So I worked in the assembly, I worked in mixing, and I worked in the baking. But, most of my work was in the mixing and baking department.

Also now I was considering going to law school. And I got accepted to law school and I had a fine old trusted superintendent. And every six months they would re-do the schedule. They could schedule you for first shift, second shift, or third shift. Complete discretion, because I had to leave the union when I became a member of management. And I would go in at the end of six months and the superintendent would look up at me and say, "Roosevelt, we kept you in school for another six months." That meant he'd placed

me on third shift, the shift that I wanted to work on and that I developed relationships with the individuals. And I think some of the better relationships I had were with the individuals in the mixing department. They were all experienced people and they wouldn't come to me until they had messed up a 2,000 pound batch of dough and all of a sudden they'd come to me and say, "Boss, we got a problem. There's something wrong with this dough. Don't know what it is."

So, I'd go out there and I would get in the heads with them and "Well, let's try this, let's doctor it up, let's put a little more of this in and a little more of that ingredient. Then, give me about five pounds of that dough and I'll take it down to the bakeshop"— where the cutting machines were that cut out the cookies and crackers—"and we'll run this batch through the oven. And I'll walk down to the end of the oven and then I'll see what they look like." I'd get there and sometimes what we had done had corrected the problem and then we'd go ahead and use that whole amount of dough. And then if it didn't correct the problem what we'd do, we'd start putting a hundred to two hundred pounds of that dough into a new batch that we were making up.

But what was really a challenge in the baking department, I didn't know too much about those long gas ovens that had about seven different chambers in them with various heat configurations in each chamber. Most of the bakers knew I didn't have a lot of experience in baking or work with those ovens. So if I walked down and said, "These cookies or crackers are just not looking the way that they should." Or, "I just got this lab report and we got too much sodium or we don't have enough sodium so we got a problem and that's affecting the taste and I think that we can take care of it with the oven."

And once I told them what was happening they would say, "Okay fine. I'll go take care of it." Then they'd go back to zone number five and maybe increase the top pressure and decrease the bottom pressure and do things like that. But there was one guy, he wouldn't even speak to me if I came in and he and the other baker from the other line next to him were sitting together talking, I would say, "Good evening. Good morning," or whatever the time was, and he would just sort of turn his face away and wouldn't even

speaking back. So, when he was by himself and there was a problem I would come down to him and I would say—

[End of Tape 3, Side 1]

Tape 3, Side 2
2004 February 18

ROBINSON: So when I told him the problem that we were having he would look at me and say, "What do you want me to do?" And I would say, "Go down to zone five and increase the top pressure by fifteen and reduce the bottom pressure by twenty-five."

"Okay." He would go do it and that would solve the problem. Once he discovered that I did have enough theory to figure out what to do when there was a certain problem, then when I'd come to him and say, "We got a problem, this is it." He'd say, "I'll take care of it." And he would just go ahead and just do it.

Because another thing I did too, I would sometimes relieve a baker if he was going on break and I'd say, "If you want to take an extra thirty-minutes on this break, you take it and I'll watch your oven for you." When he was not speaking to me I never did make that offer to him. Just to the ones who spoke to me and we got along. Then pretty soon he came around and I had no problem, and I had what I considered a successful career at Nabisco. And by me being successful as the first black line supervisor, after I had left there they then started hiring other blacks to be supervisors.

But even today I still see some of the people that I supervised, even some of the Caucasians. They like to get together with me. To them, I'm sort of a proud product that came from humble beginnings and became a judge. And it was just something for them to be able to say, "We used to work with that guy. He worked right here at Nabisco and he did this and he did that and he said this and you know he went on and went to college part-time at law school at night while he was working here. He became a lawyer. Then he became a prosecutor, then he became a judge." And that was inspiring to a lot of the people that I worked with. And some of the things that they wanted to try to do in life they would sort of say, "Well, if Roosevelt can do what he did, there should be no way that I shouldn't be able to do what I wanted to do."

And then I went to law school. I started in 1972, the night program at Northwestern School of Law at Lewis and Clark, and that was a four year program so I graduated in 1976. And then I had to start studying for the bar.

CH: Could I ask you a few questions about this? Going back, after you got this job at Nabisco did you give up any thought then of going into the ministry? When was that? At what point did you leave that behind?

ROBINSON: What happened is I started having some marital difficulties and eventually my marriage broke down and I went through a divorce. I had two kids, a firstborn, Steven Robinson, he was born in '63, and my next born was Roxaynn Robinson, and she was born in '65. So at that time Stevie was nine years old and I think Roxaynn was about seven. Well the church that I was a member of was very family oriented. And even though it was a Protestant church, didn't really believe in divorce and remarriage. And to me that created an internal conflict and I became discouraged and basically walked away from the ministry and turned my thoughts to becoming a lawyer, having a completely different career instead of pleading with people and begging people to do the right thing, I thought it might be wonderful to be a lawyer and help people with their problems. But that's how I got away from and left the ministry.

CH: And the legal profession, was there a reason you decided to go that direction? Was there anybody that you had spoken to or was a model for you in that way?

ROBINSON: Yes. Judge Aaron Brown, Jr., who was the first black judge in the state of Oregon. He was a municipal court judge and eventually the municipal court merged with the district court and all the municipal judges became district court judges. But while he was an attorney and I was a minister certain legal things came up with the church where we were purchasing property or doing something like that and we needed some legal advice, and legal assistance. And I selected him to be the lawyer that would work with us

and the church in doing that. And I went to his office and here was this friendly black man with a big smile on his face, dressed immaculately, and helping us out. And I took a look at him and I talked to him, and something in the back of my mind said, “If that guy can be a lawyer I think I could be a lawyer myself.” And that’s the thing of seeing— now if that had been a White attorney that I had gone to, I probably would not have said, “He is an attorney or she is an attorney that means maybe I can be an attorney.” But when I saw somebody the same color that I was and he seemed like he was just enjoying life, this big smile and this big laugh that he had going with him. And that was sort of the thing that encouraged me to think about going to law school because at that time I didn’t have a lot of regard for lawyers. Matter of fact I didn’t like lawyers. I was in some group where lawyers met with us, a social group, and it seemed to me— I was concluding— well they think they know everything, any issue that comes up, they’ve got an answer for it. And if you don’t agree with it then you don’t know what you’re talking about, they know what they’re talking about. So they were not somebody high on my list.

But then after meeting him my thoughts turned to that and I decided to take the LSAT test. My undergraduate grades were good and I don’t recall where my LSAT test came out but I don’t think they came out extremely high. I think they were probably average. But when they put that together with my GPA I was able to get accepted to the night school at Lewis and Clark. It was a wonderful day when I got a letter from them saying, “We have accepted you into our night program at the Lewis and Clark Law School,” and school starts on this day and “welcome aboard.”

And then that just started up a good adventure for me because I still continued working approximately forty-four hours each week and going to law school at night which didn’t give me a lot of time to sleep. I’d get off work at seven or seven thirty in the morning, get breakfast, and go to bed and sleep till about one or two and get up and hit the books until it was time to go to class. So I didn’t have really adequate study time but I was able to get hooked up with a study group of older students. Like I was thirty-two years old when I went to law school. I think there was a principal, a surgeon, and some guy that worked for IBM. And we sort of got together and maybe fifteen minutes after class or fifteen minutes

before the class and we would go over certain areas that it was dealing with. And since we were all in the same boat those were just really quick, intense, just get right to the point. “How did you deal with this issue? How did you deal with that issue?” And we did that and that was helpful to me.

My grades were not that high. You know, I have to admit that I was in the bottom third of my class, but I was not on probation. It seemed like most of the black students that went to school with me, after their first year they had to go through a probationary period to pull their grades up, to stay in the school. And we lost a number of black students, who were not able to do that. I tried to assist some of them with their assignments, to help them out. I know the second year I think that I was there we put on a test. Torts, contracts, and I think we did something else but I can't think of it right now. But since we were doing it at the school we couldn't just limit that to minority students. So what we did, we opened it up to any students of the law school that wanted to take the exam. So we got us a Saturday, we wrote out the questions, passed them out. There were only four of us. I helped establish the Minority Law Student Association at Lewis and Clark. There were just four young black men that were there. So the four of us had to grade all of those papers, because quite a few of the White kids came. I mean the overwhelming group of people that came were White students. And it ended up with myself and two other people to grade all those tests. Then one person dropped off real quick. He had something else to do. The fourth person didn't participate I think at all in the grading.

And then on a Saturday night about three or four o'clock in the morning just working away on those papers because then the second guy just said, “I'm tired. I can't grade another paper. I'm through.” So I just waded on through and then we gave the kids their grades and a lot of them said it was quite helpful to them because it gave them an opportunity to know where they were. And we deliberately graded on the low side because we didn't want to give people a false sense of security. What we wanted them to know was, “You got to keep working and you got to work harder and you got to try to improve where you are.” But the Minority Law Students Association, we sort of combined together and worked together to try to help each other and any other minority students

who may have been having some problems, academic problems, problems with the dean or something. And we tried to intervene where we could.

CH: Before you went to law school didn't you finish up your undergraduate work over at the University of Portland?

ROBINSON: Yes, I did. First I did my undergraduate work when I was working at Nabisco. After I went into the supervisory position, Nabisco would pay for up to three courses per semester for me. They would reimburse me for that. So I would put the money upfront and once I had completed those courses, took my grades into personnel and they would cut me a check, minus taxes and so forth, and then I would prepare for the next semester. And I graduated from University of Portland in 1970, I graduated cum laude and I'd been the valedictorian of my high school class. So I had a pretty good mind. But with all the work that I was doing I sort of became selfish. I was divorced by that time. I was a weekend part-time father. Then working forty-four hours a week. Then going to school. And I just made up my mind that I was not going to spend my every waking hour poring over some boring law school book trying to figure out the rules against perpetuities. I don't think few people know what it is and I to this day am not too clear on that [Laughs] concept. And reading boring cases about property law and so forth. I just, I said, "I got to have me some little enjoyment in my life."

So the weekends roll around and instead of being in the library where I should have been I would be out partying and going to nightclubs and listening to music and dancing because I couldn't do that the weekends that I had my kids. So one weekend belonged to my children and the other weekend belonged to my partying. So, I would party hard and I would just, I would sort get a little regret when I would drive by the law school if I was going to a nightclub or a tavern in Lake Oswego. Saturday night, I'm driving by the law school, it's about ten o'clock, I looked in the lot and the lot is just full of cars, all law students [Laughs] law students in there studying, and I'm driving by going to a party. And then Monday comes around, I got to try to compete with these folks and a lot of them, some of

them had independent means where they could go to school without working. Others had wives or spouses who were working, paying their tuition. The only thing they had to do was go to law school and hit their books. But the pang of regret would be over quickly, and I would drive on by. But I survived through it all.

My first shock in law school was when I went to orientation and met some of the teachers and they told us what they expect and scared the heck out of us. And I went to one of my first classes and the professor stands up and said, "Well did you guys read the assignment that I gave to you?"

I'm going, "What assignment? Nobody gave me no assignment. I went to orientation."

"Well, you're supposed to check the bulletin board in the library. In the library it said in contracts read pages one to one hundred. Who did that?" Well, I couldn't put my hand up. I didn't even know I was supposed to go check the bulletin board to find out was there a certain assignment. So that was a shocker to me, but I knew how to do that. And we all had numbers, they didn't go by names. So when they posted your grades you could go and look at the number that you had been assigned to and see how you done on your grades. So I kept my head up and rather enjoyed law school once I got into it because I was always willing to, if called upon, to stand up front and center and talk about something that I knew nothing about, but act like I knew something about something. [chuckling] Many of my classmates thought I was brighter than I was.

One experience that really got me was in secured transactions. That's a tough area for me. And the way the professor taught that class, he would select one student at each class and ask that student to deal with the issues and the cases that had been assigned for that class. And you might get a number of questions that you had to deal with. So he eventually caught up with me and I was called, so being myself I'm ready to go. I shot up and I talked about the various cases and the outcomes and so forth and he said, "Thank you very much." And I sat down.

Then I said, "Next week I'm not even going to pick up that book." And the reason that I'm not going to pick up that book is because all semester I have sat up here and I've

never seen him call on one person twice in a row. He would always go to a new person. So I didn't even pick up the book. That next week guess who was the first person he called upon?

"Mr. Robinson." I hadn't taken the book up. Front and center. Robinson was up, trying to deal with the case that I hadn't even read [laughing] and I don't know whether he felt sorry for me or what but he didn't grill me as much as he did the first day. But that was a lesson well taught and well learned.

CH: Do you think part of what you're supposed to learn was how to be able to bluff your way through a situation?

ROBINSON: [Laughs] Well I was pretty good at that because I'd have students coming to ask me questions about different issues. And what I did discover that was amazing some of the female students were very bright but they were not very proactive of getting up and saying something. And then you've got somebody like me, who is just struggling, but at the drop of a pin I'm ready to talk to you about whatever you want to talk to.

So finally I graduated in '76 and I remember one of the four black students graduated in December for some reason. I don't know, I think he'd maybe taken enough courses where he could graduate early. And he lived in L.A. So he came and did his last testing and went to L.A., and finally got a notice from the school saying, "You can't graduate. Your grade point average on your last tests were not high enough."

And he asked me could I help him. I said, "Sure, give me the teachers and give me what you got on each test." So, I went to each teacher and I sat down and tried to discuss that. Grading is sort of subjective when you're grading a person's paper. And a lot of times if you re-read that paper from a little different perspective you may find yourself able to give that person one more point. And I did that and I was able to get him up to the grade point that he needed and he was able to graduate in December.

But what I did that was helpful to me— I knew that a lot of the black students were having problems with passing the bar. We would successfully complete law school and then we couldn't pass the bar. So what I did, I took a bar review course my third year and I still had a year to go in school. And by taking that bar review course my third year, it told me the areas that I had the weaknesses in and the areas that I needed to improve on that last year of law school. Then I retook the bar review after I had graduated. So then, by taking it then I knew it was a serious matter. When I took it in my third year it was sort of something— just relax and lay back and take these tests and do this reading, because you're not going to have to put it to use or anything. But now I'm saying, if you want to practice law you've got to pass the bar. And I had an interesting experience on the review courses. One week I would do well and the next week I would do less well.

[End of Tape 3, Side 2]

Tape 4, Side 1
2004 February 18

CH: This is an interview with Judge Roosevelt Robinson at his home in Portland, Oregon. The interviewer for the Oregon Historical Society is Clark Hansen. The date is February 18, 2004, and this is tape four, side one. Go ahead, you were talking.

ROBINSON: I was indicating that I would take the bar review course after I had graduated and I would do well on one test and the next test I would be down. And then I would have studied a little harder. It was an up and down situation. The last test I took I was down. So I said to myself, "You were down on the last test that you took. The next test you're taking is the bar exam itself. That's your up week. You'll be up for that week." And that seemed to be [Laughs] something that sort of drove me on and helped me because I was supposed to be going up on that week, because that was my week to go up. I don't know what would have happened if it had been my down week if I'd been up the last test I took I took on the bar review and then go in and take the bar exam off of an up week. The indications were I was supposed to have a down time. [Laughs]

CH: [Laughs] So when you finally took the bar exam, I mean did you, were you able to pass it?

ROBINSON: I passed it the first time and that was an amazing incident. We took it in July and the grades didn't come out until I think late September or early October. And at that point in time they would post your grades on the Supreme Court door in Salem, Oregon. Well, I was still working my forty-four hours a week at Nabisco, so I didn't take the time to drive all the way to Salem just to see whether or not I had passed. So the next day they would print them in the newspaper, in The Oregonian, of all the people that passed. So eventually I got up that morning and I got a paper. I was lying in bed and I was reading, and I knew there was at least a couple of other Robinsons that had took the bar exam with me. And I didn't see any Robinsons that had passed the test in The Oregonian. I said, "Well,

that takes me out of it because if no Robinson passed, I didn't pass." But I was very disappointed and I said, "Well, what I'll do, I'll just read the rest of these names to see other friends of mine, how they did and whether they passed." And some way I turned the page and on that page there's the Robinsons. And I looked at it and there's a Roosevelt Robinson. And I had passed and I think I let a yell out in that bed that probably could have been heard over half of the neighborhood. I was really a happy camper to know that I had passed the bar exam on my first taking of the exam.

And then I started getting ready to go into private practice. I didn't even consider applying to a law firm, the public defenders office or the DA's office. I just got me a little place on Williams Avenue and put my little sign up saying, "Roosevelt Robinson, Attorney At Law." On Williams and Beech. And I think in the back of this rundown building that I shared with the rats, who was in the back end of it, and I was in the front end of it. Sometime I picked up some clients of the prostitutes that'd be walking the streets right in front of the office and so on. Sometimes they'd come in for my assistance and I would take them in as clients and the next thing I knew they'd got arrested again and had disappeared. Went back to Seattle or San Francisco on the prostitution cycle. And I just opened up for general practice. And I will admit now, worst mistake you can make. There's no way if you don't have any background in the law, no family members that were lawyers, didn't work at the courthouse or work in some law office. You just know nothing. And once you set yourself up, you are a flaming malpractice lawsuit just waiting for you around the corner.

CH: Had you thought about specializing during the time that you went to law school?

ROBINSON: No I didn't think about specializing. I thought if I did it would be criminal work defending people accused of crimes, and I did that. But I had an older attorney who was about ten blocks away from me and he was very gracious to me. He said, "You know, you need to borrow a book, you need to get some forms, if you have any questions, just come and ask me and I'll assist you in any way that I can." He was just a wonderful man. The sad

part about it was he ended up eventually committing suicide, taking his own life. But he was very generous to me.

I made some early mistakes. I wasn't ready for federal court, but yet was a black attorney out of San Francisco that was doing a lot of civil rights cases, and discrimination cases, and he had to have a local practitioner here in Portland so that he could come practice with this local practitioner. He was working with a Caucasian lawyer and this lawyer was getting out of the practice of law and going into something else. He introduced me to him and I didn't know any better than being talked into doing it. But it was a nightmare—I mean the filings—he would have to get them together in San Francisco, mail them to the airport, and I'd have to run out to the airport, pick them up, bring them back to my office and make any changes that needed to be made and then rush down to the federal courthouse and try to get them filed before five o'clock. It looked like everything we filed was on the last date before the statute of limitation [Laughs] was running out. And I was just sort of overwhelmed by that.

I got acquainted with Judge Gus Solomon.

CH: Oh yes.

ROBINSON: One day I was in the house and I looked outside and snow was just everywhere. There was so much snow against the garage door I couldn't get it opened. So I had an appearance before him and I called and said, "I'm not going to be able to make it. I would like to reset this hearing. I can't get my car out of the garage." And I think he had his staff request of me, "Are the TRI-MET buses running?"

"Yes, the TRI-MET."

[Firmly] "Well, I expect you to be here at nine o'clock." So at nine o'clock, front and center, I was there. And he would be threatening, from time to time, we'd have a hearing that the attorney from San Francisco was supposed to be there for, and for some reason he couldn't make it. Well, then I got to go and stand before the federal judge and ask for a

federal rule. And he was saying, “Well I think you are qualified or should be prepared to take over this case yourself without needing him.”

And I explained to him, “But your honor, I don’t know anything about the case. I’m just working with him.” Maybe I sat down and interviewed some witnesses, something like that, but knowing enough about doing this—I just can’t do it. So luckily I didn’t get thrown on my head there. But if a case went to trial he would do certain parts of it and I would do certain parts of it and I worked with him. What I did initially, I wanted to get fifteen years in at Nabisco, and I wouldn’t have my sixteen years in until June of 1977.

CH: And what was it about getting that period of time?

ROBINSON: Well that was for your retirement situation. And I’m glad to announce that I got my retirement at fifty-five and it’s all of sixty dollars per month. [CH laughs] But I worked an additional six months at Nabisco and had my practice open. When I got my fifteen years in, I resigned from Nabisco and started practicing law fulltime—a period of wonder and being scared half to death sometimes and, just trying to make it, and not making much money by being on Williams Avenue, at Williams and Beech. One of my classmates, Keith Raines, eventually came in and practiced with me and it was Robinson and Raines. And that was a good situation for me, because he could type. So any materials that I needed typed up my partner Keith Raines would type them up for me. And I didn’t have to take everything to a typing pool to get it typed up.

So we were taking clients in and people would come in the door and say, “Are you guys the legal aid?”

“We’re not trying to be. We may be Legal Aid.” [Laughs] Some of our friends that worked at Legal Aid—sometimes a person would come to them and they were just a fraction above the income level that Legal Aid could accept them. So, consequently, they would send them to us. And word got around the street that we were the “second legal aid office.” And so we starved and I had child support to pay. Once I left Nabisco, I didn’t have a regular income coming in, and that became problematic, and sometimes I just

couldn't make my child support. I called up my ex-wife and explained the situation to her, and at that time she had remarried and she was working and she just said, "I know that if you had the funds to pay, you would pay, so I'm willing to wait until you get on your feet. I'm sure you will catch up the arrears when you do that."

So by a little money coming in and living off my credit cards—an interesting thing happened about one of my credit cards. One day I was at home and these two guys knocked on the door and I let them in. They asked if I was Roosevelt Robinson and I said, "Yes, I am Roosevelt Robinson."

They said, "Well, we're here from the Diner's Club and we see that you haven't been making payments on your credit card so we're here to get the card from you."

I said, "Okay." I went and got my wallet and gave the card to them.

"Now you can't make any purchases on this card; you just have to pay us off." And I eventually did but that was an interesting thing that they wouldn't send me a letter requesting that I return the card to them.

CH: Why was that do you think?

ROBINSON: I don't really know. They sent two guys out to get the card.

CH: You know, going back to the story on Judge Solomon, I've heard so many stories about people going before Judge Solomon and just getting ripped to shreds. And that didn't happen to you?

ROBINSON: No. I got ripped, but sort of a genteel ripping. And I'm trying to think of his name but there was one state judge and his name just slips my mind right now. I'd be representing a criminal defendant and I'd be up arguing, making an argument that he should be released from custody from his jail time, and he would generally reach back and pull out his conviction record. And he would open it up and drop it and it would go all the

way to the floor. “Mr. Robinson. This is your client’s record right here. Do you think I’m going to reduce or release this guy from anything?”

“Okay, your honor.” I think I was trembling as much as my client. The client probably knew what was going on and probably laughing under his breath that I was up there making this big pitch to get him released knowing that this judge that we were before was not going to release him at all. [CH laughs] So I did that awhile.

And I remember I had a trial, a burglary trial, fingerprints were found inside the victim’s house, and regretfully the fingerprints were those of my client. He was a Black guy; the victims were Caucasians. And the best thing that he could come up with— and I’m talking to him—“They’ve got your fingerprints. Your fingerprints are inside the house. You had to be in the house to get your fingerprints there.”

He said, “Yes. I remember. They had a Christmas party, and I went to their Christmas party, so I’m sure I left fingerprints in the house while I was at the party.” So we’ve got our defense now; his fingerprints were in the house because he went to a Christmas party. So I got him on the stand and we were going through our defense and I asked him how his fingerprints were found inside the house. And he explained to the jury that because of the fact that he went to a Christmas party this last Christmas that’s how they got they got there. [buzzing sound on tape]

They called the victim of the burglary, alleged burglary I should say, back to the witness stand and said, “Did you have a Christmas party?”

“Yes we did have a Christmas party.”

“Well, did you invite or see the defendant at the Christmas party.”

“No.”

“Well, how do you know?”

“There were no black people at my party. They were all White. And you see him sitting right there, he’s not White. They were the only people there.”

So the jury was not fascinated by my defense and they found my guy guilty and convicted him and the judge sent him to prison. But, I think I sort of impressed the deputy DA that was trying the case against me. I had no case, but I did the best that I could. I think

they started talking to the district attorney about this Roosevelt Robinson guy, and maybe he would be somebody that he would be interested in talking to.

And I had won a few cases, a few minor cases. I remember one that was a shoplifting case where my guy was actually in the process of attempting to shoplift, but the security people made a mistake. They confronted him before he had passed the cash register. So our argument was the state cannot prove beyond a reasonable doubt that he was guilty of shoplifting because they never did give him the opportunity to pay for the goods. I knew the guy, and I knew he had no intention of paying for them, but I had to make the argument and the judge found him not guilty.

And then I had another friend that I had went to law school with. He started talking me up with the boss, and that was Harl Haas. He called me up one day, this buddy of mine, and he indicated, "Roosevelt, golly, our office needs you and I think if you come down and apply you probably could get hired." That was the impression that he left with me, and that was John Gartner, a good friend of mine.

And I said, "Okay." So I went up there, you know, feeling good, this done deal here. I'll just walk in and apply and I've got me a new job as a deputy district attorney and I'll start getting paid. I don't know whether at that time they were getting paid every two weeks or once a month but I'll have a regular check coming in. I can catch up on my child support and that would be wonderful.

So I went and I interviewed with the panel, and then I was sitting out in the hall and the panel came back in, not in my presence. And they were telling Harl that, you know, "His grades are a little low. We got all these people who have applied for this position. Their grades are much higher, so we can't recommend to you that you hire him."

And he said, "Wait a minute. Let's take another look at him. Let's look at where he came from and how he got to where he is now. He worked all of the four years, fulltime, during his law school career. And that work was not in the legal field, so he was not building himself up in the legal field while he was doing that. This is a guy that—"

[End of Tape 4, Side 1]

Tape 4, Side 2
2004 February 18

ROBINSON: “—that this guy doing all of that and coming to where he is, I think he’s a guy that is willing to learn and willing to be successful in what he does. So even though the hiring committee is making a “no” recommendation to me, I’m going to overrule the hiring committee and I’m going to offer the job to him.”

So they offered me the job and I said, “Thank you, thank you, thank you! I appreciate it.” Not knowing all the things that were going on in the background.

“How much time do you need?” And I told them I needed a certain amount of time to take care of all of my open cases and things that I had going, and I’d probably be able to start in February of, ’78, I think it was. In February of ’78, and I got started in the District Court trying misdemeanors, and I just enjoyed my job. And I got raises. Almost every time I was eligible for a raise, I received a raise. I tried my cases very hard. I tried to be openhanded and fair to the defense attorneys and the defendants on the other side, and just did the best I could. That was just really an experience. You might come home in the evening and have ten files under your arm, not knowing which one them— all of them sent out trial the next day. A lot of times what happened, when the state witnesses showed up. the defendant would plead guilty. But what I had to try to learn to do was go through the files, determine the ones that I thought were going to plead guilty and just prepare for the ones that I thought were to go to trial, for I could only try one trial at a time. But generally you’d reduce that down to about three, and you’d work on those three and be ready to go to trial on those. But it was interesting and challenging and a learning experience.

I remember on one case there was an attorney, Walter Martin, he only did Driving Under the Influence work. We were trying the case, and I was trying it to the court, and I was noticing, he wasn’t objecting to anything I said, anything that I did, he just sat there. I finished my case and he got up and calmly told the court that he was asking for a judgment of acquittal because I had tried the wrong guy. I had the wrong file [Both laugh] I had the wrong file, I had the wrong file. The file that I had wasn’t the guy that I was supposed to be trying. So that was kind of embarrassing.

CH: Was he actually acquitted then?

ROBINSON: Oh yes, because I tried the wrong person. Well that taught me to be very particular when I tried to put my files together and put the cases together. But I enjoyed working in the District Court, and eventually I was able to get promoted to Circuit Court. But before you get promoted to Circuit Court, a lot of times they would allow you to do some Circuit Court cases. And I was just thinking, that noise out there right now—

CH: I thought it was somebody. Let me just...

[End of Tape 4, Side 2]

Tape 5, Side 1
2004 February 25

CH: This is an interview with Judge Roosevelt Robinson at his home in Portland, Oregon. The interviewer for the Oregon Historical Society is Clark Hansen. The date is February 25, 2004, and this is tape five, side one.

In our last session we were talking about your work as assistant district attorney—well, first of all before we leave that I just wanted to ask you if there were any other notable cases that you wanted to talk about. Either notable news wise, or notable just in terms of your experience with that particular type of case.

ROBINSON: You know I had so many cases as a district court deputy that at this point in time I really can't think of any one that stood out. I do recall enjoying working with people and having people [pause in tape]. I had a young lady who wanted in the future to get some type of job working in the environmental movement. She was on Swan Island walking and watching birds and just not doing any damage to anything or anybody, but at certain times of the year you go so far and it's closed off, and if you pass that point you are trespassing. And she was caught past that point, very apologetic, no intentions of breaking the law, and when she went to trial she talked with one of the judges— before the judge would take her case he said, "Here's what I want you to do. I want you to go down to the District Attorney's office and ask for Roosevelt Robinson. Tell him about your case and how a person wanting to go into the environmental movement getting a conviction on their record for trespassing where the land had been basically sealed off from people being there. In the future, you are trying to get a job and they're saying, 'You don't even respect the laws that apply to environmental protection. We don't know whether we can hire you.'"

So she came in to talk to me and explained to me what had happened and I believed her. As a deputy district attorney I had the discretion to dismiss cases that I thought would be in the interest of justice, and I dismissed the case against her. But the surprising thing to me was I'd been recommended by a judge who told her specifically to come and talk to

me. She didn't tell her what I should do; she didn't send any message down to me to do anything like that.

Then I had another case similar to that one, and I don't remember all the facts of it but it was a lady, I think she was going to nursing school, had almost completed nursing school and I think she'd got stopped by the police for some minor traffic infraction. And I think they found a little marijuana cigarette, the end of it, what they called the end of those things?

CH: The roach.

ROBINSON: Roach, they found the roach thing, and I've really forgotten all the factors surrounding that, how it got into her purse. But she was really between a rock and hard place. After investing all that money to become a nurse, she was not going to be allowed to become a nurse or take the test to become a nurse with a conviction for possession of less than an ounce of marijuana, which was not even a crime. It was just a violation. But it could have destroyed her career. And I took a chance on her and dismissed that case also. Finally, using my discretion, and I'm sure I used it more in those times.—a mother came in with her son, and he must have been about eighteen years old, with many traffic tickets, just an irresponsible kid. Now he wanted to go into the Marines. The Marines would not take him with all of those traffic charges pending against him, and I made an agreement with him that if he went in to the service and sent back the money I would dismiss the charges against him. But the catch was I had to dismiss the charges first because the charges had to be gone by the time he went back to the recruiter. So I dismissed all the traffic charges against the young man, and we figured out how much money he owed the state of Oregon. And sure enough he went in to the service and did well and sent the money in to pay for the tickets, and I had two happy people. The mother was very happy that I'd done that favor for her son, and he was happy that I had allowed him to continue on in his career.

CH: Did you follow up on other cases, you know, in terms of what happened to the person later on?

ROBINSON: Sometimes I did and sometimes I did not. Usually what would happen— if I did a favor for someone, similar to what I just talked about, a year or so down the road I would get a letter from them saying, “I really appreciate what you did for me, I’ve gotten my life straightened out. At this point in time I’m doing this—. I just appreciated it and I want to thank you.”

CH: When you’re handing out sentences are you affected at all by any of the uniform sentencing guidelines?

ROBINSON: At that point in time sentencing guidelines had not gone into effect. And even now sentencing guidelines are only effective toward felony crimes. We do not have a sentencing guideline system for misdemeanor offences. We basically had a lot of discretion in our recommendations to the court because, as you know, the prosecutor, the deputy district attorney, don’t sentence anybody but make recommendations to the court. The court can follow our recommendations, or they can reject our recommendations and sentence how they think the person should be sentenced. But once you get a reputation with the court of being a straight shooter and being fair, most occasions they would follow the prosecutor’s recommendation.

CH: How was the district attorney’s office organized? How many assistant DA’s were there?

ROBINSON: Let me just take a rough guess, and I could be wrong. We probably had about fifty at the time I was there and we were organized into different units. Unit A that dealt with certain types of crimes, Unit B that dealt with other types of crimes, Unit C, D, and that nature. And the administration would assign you to the different ones. One of the ones that

a lot of us— and I'm talking about circuit court now, because eventually I was promoted from district court to circuit court—it was the career criminal unit. And the purpose of that unit was to try to take off the street criminal defendants who just continually committed crime after crime after crime after crime. And we felt that if we could get those folks convicted, the crime rate would go down because they would be in prison instead of outside committing crimes. So I did my tour in the career criminal unit and enjoyed it very much.

CH: This was—

ROBINSON: In circuit court.

CH: When you were a judge later on, yes.

ROBINSON: No, this was as a prosecutor.

CH: As a prosecutor.

ROBINSON: As a prosecutor— I was prosecuting in the career criminal unit. And I'd just like to point out briefly, in circuit court you had a little more control over your own cases. You didn't just walk in and somebody has issued some— we called 'em "dog cases" where we'd have to lead it into the courtroom with a leash on it, it was so bad. But yet you had to try to try it. Generally people that knew that they didn't have to try a case, may issue a case that they knew was going to be a real tough case, to try to do it. But in circuit court your cases were assigned to you and it was your responsibility to take them to the grand jury. And by taking them to the grand jury you got an opportunity to determine and evaluate the strength of that case and the strength of the witnesses that you had in that case. So if you had a very good case and really poor witness that you were afraid when that witness faced cross-examination, that they would just fall apart, or lose it and mess up a good case.

That would tell you then, even though you got a good solid case, the defense attorney knows we have a good solid case, but this is a case that we probably need to see if we can come up with some kind of negotiated settlement. And sometimes you'd have a sleeper, in that just looking at the person and talking to the person, you would think, "This guy's going to just be a terrible witness." Now I would get a chance to listen to the person in the grand jury and I would say to myself, "No, Mr. Defense Attorney, when we get this victim on the witness stand and you jump up and start trying to rake him over the coals, you've got a surprise coming." [Laughs] But I'd already known that information by taking on cases to the grand jury.

CH: What was the difference between working the Circuit Court and the District Court? What are the differences between those two courts?

ROBINSON: Well, one you only handle misdemeanors and the other court you only handle felonies, so you have the most serious criminal cases in Circuit Court. And you had a little more time to prepare for each case. You didn't have to be running around with ten or fifteen files under your arm, trying to guess which one was going to go to trial, which ones were going to plead out, and which ones were going to have to be set over. You had a lot more control over that and you had a lot more freedom in dealing with that. But you always carried your discretion with you. As I recall in circuit court I had a case where we were trying this guy for robbery, robbing this young man for his pills. He had epilepsy and he took these pills, I can't think of the name of them right now, but they were uppers, but they were good to sell on the street, on the street drug market. And—

CH: Like an amphetamine of some kind?

ROBINSON: Some kind.

CH: Stimulant?

ROBINSON: Some type of stimulant, that it was, and he came in. After telling the police that he'd been robbed, and my probably taking the case to the grand jury, and I was running through my whole case and I believed him. Then we get in trial and I'm about halfway through trial and I'm talking with the guy that was his private caretaker. We were sitting in a room, a private room in the district attorney's office, and he let it slip that sort of what they were doing— there were two groups of people wanting to be caretakers for this guy so they could have access to his drugs. And then they would get the drugs from him and sell the drugs. And so he had the guy and other people came and took the guy from him so they could sell the drugs. And I said, "Well, thanks for your honesty, but this case is over." And I went back into the courtroom and told the judge that based upon information that I had recently received I felt that it was in the interest of justice that this case be dismissed, and dismissed with prejudice. Grabbed my book and walked out of the courtroom. Said no more. I had no more to say about it. But we had a responsibility. I probably could have convicted the guy, but I felt it was inappropriate to try to convict someone that you had good information pointing to that the person was innocent.

Some of the tougher cases were where the police department would use snitches, and undercover and confidential reliable informants to go out and get information on people. And sometimes they would pay the informant. It would be just like he was going to work. He'd show up at four o'clock today and say, "Well, who are we going after today?"

"We're going after John Brown."

"Well, where is he? And what do you want me to do?" And away he would go. But sometimes those cases are really hard to try, because then you have to let the defense know about this informant. We wouldn't reveal his name, but he was an informant and he had been paid. And sometimes they would reveal the informant's name because the informant, in doing his duty, got too involved in the case so that he could be a witness for one side or the other. I remember I tried this case and I got a hung jury, and sometime later I was at a social gathering and met a juror that was on that trial and she was talking with me and she said, "I don't know about that case. We didn't know who to convict." [Laughs]

“If we convicted the defendant, we’d be doing okay. Or if we convicted your witness who had involvement, we’d be doing okay.” Those were some of the tough cases that one had to deal with.

CH: When you first came on the DA’s staff was there any kind of initiation for new assistant DA’s?

ROBINSON: Not really. When I first went on in the District Court, there was a person in charge of the court, and it was her responsibility to work with her deputies; make sure they knew the run of the land and what was expected and what you could do. When you went to the Circuit Court, there was also a person in charge that provided the same duties. The thing that worked well with me, and probably why I enjoyed all of my eight-and-a-half years there, was I think that my superiors trusted my judgment. We had rules written out in books that you can’t do this and you can’t do that. And a lot of time when I ran into one of those I’d have to go to my superiors and talk to them and say, “Although we generally don’t do this, under these circumstances I think we should.”

And they would say, “Yes, I know.” And we would proceed. But in a lot of other things you had a lot of discretion. Every time something came to me I didn’t feel like I had to run by a superior and say, “I have reviewed this case and I would like to dismiss it. Can I dismiss it?” I would just go ahead and dismiss a case and move on. I remember I had one case in the career criminal unit; it was an African American defendant that had allegedly robbed a store. And I looked at my witness and I was really concerned about her identity of this guy as being the guy that had done the robbery. And he was adamant that he didn’t do that robbery. So I turned to the defense attorney and said, “Is your client willing to take a polygraph?” Both of us knowing that polygraphs at that time were not admissible in court. You could only get them in court if both sides had stipulated that if the defendant said, “If I flunk the polygraph I’ll stipulate to the fact that I flunked the polygraph.” It’s amazing that some people would flunk the polygraph and still go to trial and get convicted. But this guy—and generally it was our people, the Portland Police Department or the Oregon State Police

Department that was administering the polygraph. Now on some occasions they would start their preliminary questions and the person would confess before they gave them the test.

But in this case the guy took the test and he passed and I dismissed the case. I just dismissed the case. “You’ve given me this information, you passed the polygraph test and it indicated that you was answering truthfully when you said that you didn’t commit this robbery.” So I wrote up a dismissal order, got a judge to sign it and moved on.

In one case that bothered me a bit on the District Court was a guy that law enforcement officials believed killed a number of people. He would be the last person that the person that has been killed or disappeared was seen with, and all of the sudden that person would just disappear off the face of the earth—couldn’t find the person. So I had a little minor case against him; I considered it minor. It was a situation where the sheriff’s office wanted to talk to him about some minor situation and they were undercover officers, not in their uniforms, but they said that they had announced that they were police officers and so forth. He claimed that he didn’t hear them and he had his shotgun and he was shooting back and forth between him and the police. They finally got him to surrender—and that was his defense—he thought somebody was attacking his home. He saw these guys out there running around— you know, regular clothing—shooting at him. He shot back at them.

I tried him for carrying a dangerous weapon with intent to use. It wasn’t the strongest case in the world, but it was a case that I felt that under the circumstances I had to try him. But the defense was pretty smart on the other hand. They decided to try the case to the judge and not have a jury trial. So they tried the case to the judge and the judge bought their idea, the defense, that he didn’t know who the people were and he was shooting back. So they found him not guilty, and I think that’s the closest in my career that I came to being held in contempt of court. Because when the case was over the defense jumped up and said, “Your Honor, now that the defendant has been found not guilty, we want the police to give him his shotgun back because he has not committed any crime. He is not guilty.”

And the judge said, Mr. Robinson write up an order giving him his gun back.”

I said, “Judge, if you want him to have that gun back, you write the order.” And I turned around and I walked out of the courtroom and I could have been held in contempt of court.

[End of Tape 5, Side 1]

Tape 5, Side 2
2004 February 25

CH: Do you know if that person was ever convicted after that?

ROBINSON: I will tell you the story.

CH: Go right ahead.

ROBINSON: As I said, I was lucky to not be held in contempt of court as I walked out. I went about my duties, tried other cases and eventually left the district attorney's office and went to the parole board, state parole board. While I was on the state parole board that guy killed another person with that same gun, but this time he got convicted and I was able to see him on the parole board. It would have been a conflict of interest if I had not told him—he knew who I was—that I had tried him and the judge had come up with a not guilty verdict. I didn't have any problem sitting on his case as a parole board member because all that was water under the bridge. My decision would be based upon the information that we had before us when we were deciding how long he remained in prison. So he waived the conflict of interest and I got to sit on his case. I kept saying to myself, "Robinson, you were right. That gun should not have been given back to that defendant even though he was found not guilty, shooting it off like that in the city we could have made a determination that he was using it as a nuisance. And as a nuisance the gun could be confiscated and destroyed.

CH: How did your work in the district attorney's office affect you personally and professionally?

ROBINSON: I think it assisted me greatly in becoming a better trial attorney and knowing how to evaluate the strength and weaknesses of various cases, knowing when justice should be tempered with mercy and dealing with the defendants. And usually, no matter

what the crime was, I tried to treat each defendant as a human being. I wanted to assure them that anything within my power I wanted to see them have a fair day in court, and it wasn't my responsibility to be looking down upon them and calling them criminals and stupid and all kind of things that some people do with defendants. I treated them with courtesy and I think they appreciated that and I tried to keep my word. If I promised I was going to do something I did it. Sometimes I'd get a telephone call— we'd put log notes in our file when we'd talk to somebody on the phone: "I talked with defense attorney, John Doe, and we discussed this case and we reached a settlement agreement and it was agreed that if his client plead guilty to A, B, the state moves to dismiss C and D, and recommends a sentence of whatever."

Sometimes I would get busy and maybe the phone would ring right away or somebody'd come rushing into my office with a crisis or something and I would fail to write that log note down in my file. So a couple of weeks later the attorney would call me up and say, "Hey Roosevelt I've talked to my client and we're ready to take up the offer that you made to us." I said, "Fine, fine, let me grab my file here and look up my log note that I wrote down." I'd grab my file and there is no log note. There's nothing.

I said, "I'll tell you what, I failed to record the conversation that we had. I don't have it in my log note, but from what you are telling me, that's consistent with the way that I would have recommended settling this case so that offer is good." And we'd go ahead and send it down for a plea and proceed. But a lot of defense attorneys didn't like the fact that they called you up and it was your mistake that you didn't record the conversation and now something has come up and now you kind of reneged on the promise that you made. They could appreciate the fact when you said, "Yeah, I can accept your word and that's how it's going to be."

So that helped me out there quite a bit, and in my future career. I had the respect of the prosecutors that I worked with, and I had the respect of the defense attorneys that I worked against. And I don't know whether I mentioned it but I will mention it at this time. Sometimes I would see a situation where the defendant would come in and the court would appoint a public defender to represent them. They'd have a young lawyer that was a good

hardworking lawyer that did a good job for their client and they would say, “I don’t want no public defender. I want my own attorney.” And they would go out and they would hire, at good money, a private attorney that was not near as good as the public defender that had been representing them. When I got a case like that I bent over backwards to try to give the defendant the very best deal I could within my discretion because I knew his or her attorney was not going to be able to negotiate that good deal. If he was going to get that break it was going to have to come from me. So I’d say, “In this case I’m going to make a guy this offer,” and the defense attorney would always jump at it. He got paid and not have to go to trial and the sad part was his client thought, “What a great job this guy did for me,” and not realizing it wasn’t the great job that his attorney had done for him. It was the prosecutor who protected him. It was so bad in some cases, the defense attorney would come in and didn’t know how to fill out the plea petition for pleading and I’d have to assist him and his client in filling out the petition. Well, in that case there would have been no good feeling to take that person to trial and convict him of the most serious crimes and send him off to a penitentiary, knowing that he had an ineffective counsel. So I wouldn’t do it.

CH: Would judges ever intervene on behalf of the defendant if they thought that they had an ineffective or inept attorney?

ROBINSON: Sometimes, but very seldom, because a lot of times you can’t tell. A lot of times they’re saying the words that they should be saying and makes it sound like they know what they’re doing. But yet, if you’re in a small room going one-on-one with them it’s easy to figure out that they did not know what they were doing.

CH: How closely would the deputy DA’s and the public defenders— how well would they know each other and work together?

ROBINSON: Generally, what happened was the district attorney's office started paying better salaries because the district attorneys organized a little unit to represent them and then negotiated for better wages. And in doing that, it caused some people to stay around as a deputy district attorney a little longer. That gave them more chance to meet their fellow colleagues from the public defender's office and the private practitioners who were practicing criminal law and defense. Then you'd get to know each other pretty well. So it was very important that you try to do the right thing in most all the occasions because it could come back and bite you. And one of the things that you had to be real concerned about— sometimes, even though if you wanted to, you couldn't give a defendant too good of a sweetheart deal because of special circumstances. If you did that the defense attorneys would go back to their office and say, "You know what the prosecutor did today for my client, I had this client with charges, this and this and this and instead of throwing the book at him, you know what he did? He dismissed most of that stuff and let my client plead to these few things here and recommended probation. And then a week or so, you're sitting there and another attorney would come in and say, "Could you do this, this, this, this?"

"No, I can't do that."

"But you've done it before, you did it a couple of weeks ago. One of my colleagues came in and told me."

Then I had to try and point out, "Well now there's a little difference between the client that she was representing and the client that you're representing, and I'm trying to treat people as they should be treated but from an individual perspective. And one size does not fit all."

CH: So you didn't want to get the reputation of being an easy touch. [Laughs]

ROBINSON: Just too easy— that everybody just comes crashing in on you.

CH: In general, how would you compare the quality of legal advice from a public defender to that of a prosecutor in Multnomah County?

ROBINSON: Well, I think the trial experience, the ability to go into court and advocate for whichever side you're on is about equal. I think where it becomes unequal to the prosecutor's side is, you generally know more about the case than the defense does. If there's exculpatory information you have to give that to the defense. But if it's just general information, like I was telling you before, you have taken your case to the grand jury and you have looked at your witnesses and you have seen your witnesses, how they testify, how they handle themselves, well you don't have to go back to the defense and say, "I've got these wonderful witnesses," and things like that. But if I had a witness that said, "I don't think you guys have the right guy here," I have to immediately notify the defense that I had a witness that thinks that we may have the wrong guy and this witness's name is so and so and so, and you can get in contact with that witness.

On some of the homicide cases you went to—sometimes to the scene of the crime—then the next morning you'd go to the autopsy, and you would just observe and see what was going on. And in certain situations there would be information initially that would not be released in the newspapers, and that was to keep people from coming and confessing to the crime that had not done the crime. For example, I had one case where the victim was shot twice and I was at the autopsy and I saw them remove two bullets from the body of the deceased. But the press had just said a victim was shot and died by gunshot wounds and left it at that. But then if a person comes in and said, "Yeah, I did the shooting. I was tired of that person hanging around my neighborhood. I had to take him out."

"Well, sir you did not shoot the person. Well, we did find you must be a good shot because we did find the one bullet in the person." But immediately then you know you had the wrong guy because the right guy he'd come in and say, "No, no, no, no. You guys must have made some mistake. I just didn't shoot that guy one time. I shot that guy two times." Because that's some information that hasn't been put in the paper, hasn't been published anywhere, so that might be a person you'd better start looking at very closely. Generally

you had that type of information, but, eventually, as the trial went on you had to notify the defense of the extra bullet and the complete autopsy report. To me that gave the prosecution a little edge and a lot of times you had a little better witnesses and I say that with; sort of lightly because you have to get the jury to know that you don't give any more credibility to any one witness that takes the witness stand or another. But if I'm sitting there with the police officers and state troopers and store owners and bankers as my witness and the defense is sitting there with street people, unemployed, criminal background, been convicted of this and been convicted of that, I think that gives the prosecution a little advantage. But very seldom did you have witnesses on your side that had criminal convictions in their background that you could argue to the jury that the jury should not pay too much attention to their testimony because it's testimony coming from a convicted felon.

CH: [Laughs] Well did your personal background either coming from where you did in Georgia, your economic, social, racial background, did that have anything to do with how you approached a case or handled a case or how it affected you in any way?

ROBINSON: Probably to a certain extent. From my economic background— coming from a very poor, dirt farmer type of background, I felt that all people should be treated equally before the law. So consequently if it was a street person I was prosecuting, I thought that street person should have their dignity. If it was a more well-to-do or more affluent person I was prosecuting I didn't feel that that person should be given any breaks because of the affluence, that they got to stand up and face the music too. And I'm not going to make them any better off or, they generally got a topnotch attorney representing them, and I'm not going to make them any better offer than what I felt justice required, where you wouldn't want the poor person sitting there saying, "Well, I did the same thing that he did and you just slapped his hand, and I come walking up there and you threw the book at me. What's going on?" And that was from my economic background. From my theological background it was just more into the importance of fairness, trying to be fair to all, and

even sometimes in special circumstances have mercy, have justice touched with mercy, even though the person may not have deserved it. But you saw something in that person that was going to help them in the future become a good law-abiding citizen. And I was affected that way. And I wasn't affected that much by being African American. I didn't believe that as an African American, if I was trying an African American defendant, that I owed that African American defendant any special breaks. If they had done some terrible crime they had to face the music just like anybody else.

CH: I was going to ask you about this later on but maybe this is a point where I could. You know, you hear about the preponderance of African Americans in prison and how do you account for that? And is there any— well, first of all how do you account for that?

ROBINSON: There are a number of reasons why we have a preponderance of African Americans in the correctional system and it starts with our society. As much progress as we have made, there is still racism in our society and it starts generally at an early age. I would talk to one lady that she was saying when she was in class— she was a young black woman, a young black girl, real smart. And she would put her hand up to be recognized by the teacher and the teacher would ignore it and recognize the White boy, the White kid and she called the teacher on it and the teacher said, "Well, when you get out of school the only thing you're probably going to do is get a job being a maid, cleaning up somebody's house or looking after their children so why should I waste my valuable time listening to you and trying to teach you when this young White kid is going to go places? He's going to be a doctor, a lawyer, a business person, a politician. So I need to use my time where I can be helping those that are going somewhere and you're not going anywhere."

A person running into that situation at an early age, and then getting into trouble on the playground there and things get out of hand. And sometimes it's kind of stereotypical, but there's some truth to it. Sometimes we get a little loud in situations and sometimes teachers are intimidated by that loudness, and we're mad now, we're making threats, we're

going to do all these things. We're not going to do anything but talk. But now when it comes time to being suspended we might get a little longer suspension than the White kids, because the White kids seem to have known better how to play the game. Once they got caught they know how to be humble and feel sorry and it really wasn't all their fault. It was all the black kid that caused the problem. And I remember my nephew, when I was working third shift at Nabisco and his parents was working during the day, I got a call to come to the school because he was in the principal's office, to pick him up. So I drove to the school and there he was sitting in the principal's office and the principal told me that he had hit a little boy and we can't let him continue on in school like that so his mom and dad would have to come back with him tomorrow. But they said that, "You're his uncle and you would come pick him up and take care of him."

And I said, "Fine. Okay, kid, let's get out of here." So we're driving home. I'm not saying too much and he was kind of subdued. Pretty soon he pops up, "Uncle Rob."

"Yes, yes, yes."

"Uncle Rob."

[End of Tape 5, Side 2]

Tape 6, Side 1
2004 February 25

CH: This is an interview with Roosevelt Robinson at his home in Portland, Oregon. The interviewer for the Oregon Historical Society is Clark Hansen. The date is February 25, 2004.

Could you just repeat the closing line of that story because it might have gotten lost on the other one, I didn't want to miss it.

ROBINSON: All right, the closing line is this. I was taking my nephew home from the principal's office. We were in the car driving very quietly, not talking, and then finally my nephew got my attention and said, Uncle Rob, a little boy called me a nigger. I couldn't control myself. I had to hit him."

I didn't chastise him. I said, "Well, now this is something that you're gonna have to sit down and talk with your mom and dad about and they will be in school with you tomorrow and you guys will have to deal with that issue. But I'm still on the issue of talking about the preponderance of blacks in the criminal justice system.

CH: Right.

ROBINSON: I'm just talking about some of the things that affected the young black kids, even at a young age, and it was anecdotal knowledge that many times a young White kid would be out acting up and the police would come upon them and they said they were socialized to play the game right, "I'm sorry, I didn't mean to do it," and so forth. Police officers were getting that type of response.

"Well, instead of taking you to juvenile I'll take you home to your mom and dad." They did take them home to their mom and dad and explained to the mom and dad what happened. But sometimes the black kid is still a little angry about what went on and they're still letting that anger show and the police officer's there so they're thinking, "We'll show this little fella, we'll take him down to the juvenile hall and we'll make him sit here till his

parents come get him.” And the two kids may have done approximately the same thing, one gets taken home, the other gets taken to—

CH: Juvenile.

ROBINSON: The Juvenile, and then just dealing with a situation like that— White kid, black kid in a fight, White kid is the aggressor and at fault, the police drive up and assume the black kid’s at fault. They’re treating it like the black kid’s at fault until somebody gets there to say, “No, no, no, no, no. He was not the one that started it and was doing that. It was the other kid.”

CH: But if you’re prosecuting a young black man and you have reason to believe that maybe he had a hard time growing up would you as a prosecutor try to find out anything about his personal background, if he had a family and what his circumstances were, and then would that affect how you might deal with the case?

ROBINSON: I may request his attorney to provide that information for me. Because once I was prosecuting the case I couldn’t have an ex parte contact with the kid, with his family and they would have to get that information for me. And then I would talk to the person himself, just man to man: “Look at me. Let’s talk about this situation.” And do that. If there was something I could do under those circumstances I would.

But a lot of these little items that went along, I mean, I could think of one that I experienced myself. I was driving down MLK, I came up to the stoplight and I was going to make a right turn and it was my impression that the light probably was red before I had completed my turn. I hadn’t come to a complete stop, and there was another car behind me that just went scooting on, straight, and there was a police car behind both of us. The police car went through the light on MLK where I was turning, disregarded the car that was right in front of it that had probably violated the same light, made a u-turn and came and gave me a citation. And it was a young officer and he had an old trainer, he was there, I

was saying to the older trainer. “That’s just amazing. He would potentially put himself in harm’s way to make a u-turn on a busy street to come and give me a citation yet he let the other guy go through.” And just things like that.

And the young person, sort of not building up a juvenile record, once they get that started. And the system all along the way is not being a system of equality. So usually when that person gets sent to the adult criminal system of justice I worry a bit about the juvenile where they have more chance to take the White juvenile home to his parents and the black juvenile to the juvenile facility. They would come with this baggage, looking like they’re bad kids. For the judge or the referee looking at this, it’s time to pass sentence, they generally say, “Well, you know, this White kid did the same thing, sure, but he doesn’t have anything on his record.” No, he was taken home every time he got in trouble, so there is no paper trail on him. But they got a paper trail on this black kid. So we’re going to give the greater amount of time to the black kid and sometime it just didn’t— it was just sort of built in.

As I recall, I was on the parole board, we had two robbery cases, armed robbery cases come before us, back to back. One was a black guy and he had used a gun, but I think he had the gun just by his side holding it on his leg, saying, “Give me your money. This is a robbery.” So he got convicted of robbery and was given the maximum sentence, twenty years with a minimum sentence. So, we gave it to him. The next case was a case where the White defendant had walked in with a shotgun and had stuck the shotgun in the victim’s ear saying, “This is a robbery, give your money.” Now it was time for us to vote for whether we wanted to overturn his minimum sentence.

And the first thing that came out of one of the board members was, “I vote to overturn his minimum sentence.”

I said, “The hell, you say. Do you understand what we’ve just done? There’s a black kid that came in here, didn’t even point the gun at nobody, it was by his side pointing at the floor, and we did not overturn his minimum sentence. And this kid comes in and grinds a shotgun in the victim’s ear and the first thing that comes out of your mouth is let’s overturn?” I was hot. I was hot and that guy didn’t get his minimum sentence overturned

because I could just see the unfairness and if we had done that that would have been a situation where potentially the black guy could have served ten years and we would overturn the minimum sentence on the White guy and he could have served five for the very same crime except, I thought, the White defendant's crime was more egregious than the crime of the black man. And that sort of just kind of seeped into our system.

But I think over the years and recently a lot of the judges have been working hard at trying to take those things under consideration. Like on the parole board we had a matrix system and if we counted the misdemeanors the black defendant would get more time just because that advanced the time they would get by increasing the time they'd get, a misdemeanor. So we would take the misdemeanors out of the equation and not count the misdemeanors so that the matrix system would show about the way they should. And then if we voted that way then we were treating everybody closely to the similar situation. But you still have things where you get into the minimum sentences and the consecutive sentences and you'd probably find that more black defendants received more consecutive sentences than the White defendants or the White defendant would get their time running concurrent and the black defendant would have their time running consecutive. It's not equal yet, the same, but we've made a lot of progress in that area and I think a lot of the people are committed to it.

And just a minor thing, just very minor. What I would like to do and I did from time to time— a lot of time the person is getting a break, a young African American kid, he's getting probation and one of the conditions of his probation is to take a tour of OSP, Oregon State Prison. And I would say, "That's ridiculous." He or she doesn't need to go take a tour of OSP like you are saying, "Here kid, if you don't straighten up here's where you're going." Have them go tour a college campus, have them go to the admissions office, sit down in the admissions office, or talk to the people there about, what requirements do I need to meet to go get admitted to your college? Take a tour of an IBM facility, go to personnel and talk to the folks there about what qualifications you need, do they have any type of on the job training programs that you could get a job? They've already been

exposed to a lot of negative things in their lives why do we want to walk in as a court system and expose them to other, further negative things?

CH: Did that ever happen? Did you ever see any— ?

ROBINSON: I had some that I had to go make tour the college campus, or a thing like that instead of touring the prison. Yes.

CH: You've mentioned the parole board a couple of times here and I was wondering how it was you ended up getting onto the parole board after, what eight years in the DA's office?

ROBINSON: Eight-and-a-half years in the DA's office. I got a call from a gentleman who indicated to me— would I have any interest in becoming a member of the parole board, state parole board? And I said I would give it consideration because I'd really been in one place for eight-and-a-half years and it might be a good idea for me to move on and try something different. But what I didn't know specifically, the guy that was calling me was a guy that Governor Goldschmidt was going to appoint to be the chairperson of the parole board, that they were replacing the chairperson. But then they had one black male as a parole board member. He sort of had the experience and the time and he thought that that position should have gone to him. But since he had enough time to retire, when he saw that this other person was going to get it, he turned his resignation in too. And then I got a call from this guy. Then some other people found out about it and they were saying, "Well, why don't you apply for the chairmanship of the parole board?"

But I was smart enough to figure that one out. I said, "No." If the governor wanted me to apply for the chairmanship I would have gotten some information from his office saying, "Robinson, the chairmanship of the parole board is open and we want you to apply for it." Since I didn't get that information to me that means that he has already selected the person that he would like to have as a chairperson. And this person came out of a

psychological background, Vern Faatz. But he didn't at the time have much experience in criminal law. And with him he was thinking, I think, "If I go on the parole board and I can get a deputy district attorney who is very familiar with the criminal laws, he can help me until I can get on my feet."

So I went down to Salem and interviewed with two people. I can't recall their names right now, but it was on the governor's staff and they interviewed me. And I don't really know whether they interviewed any other people that had applied because I heard from later that said, "Once we got through with your interview we just turned and we looked at each other and said, 'This is our person. We don't need to interview anybody else. This is the person that we're going to recommend to the governor that he appoints to the parole board.'" And I left the district attorney's office and went to the parole board, which was a chance and a challenge, because in the back of my mind I still wanted to try to get on the bench in Multnomah County.

CH: When did that come up? When did you start thinking about getting onto the bench?

ROBINSON: Well, I think I did that back in 1984. There was an open seat in circuit court and I ran for it. It was four of us in the race and I came in luckily, number three. So consequently, after the primary I didn't have to run in November. I had gotten out of there but basically, I think really at that time, I probably wasn't prepared to be a circuit court judge. But I built up my experience on the parole board. But the parole board was not held in high regard by some citizens and some judges and some prosecutors because they felt that we were too soft on the inmates— felons— that they were sending to us. And what I would say to people, I could go to the parole board and I could sit there and deal with people who had done bad things all day long and finally this one guy comes up, last person on the sheet, I'm at work that day, he comes up and he's from Multnomah County. What that Multnomah County judge does not realize is he is the best of all these other people [Laughs] that we've seen all day long and so consequently we would generally deal with him differently, and maybe give him a set that would get him out a little quicker than the

others. But we would get letters and correspondence from certain judges. Sometimes they was wondering what had we been smoking on the day that we had released this person or set this person's time.

CH: How much did prison crowding have to do with that?

ROBINSON: A lot. We were overcrowded and we had a federal court order limiting the amount of prisoners that we could have in the system. So we had to try to play that game too. But just in an aside, a guy came before us and he said, "You guys are supposed to release me today."

And we looked at the file. "We don't see anything in this file that indicates we're supposed to release you today."

"Well, here's what happened. The previous chairperson of the parole board had been in federal court, probably getting raked over the coals about the number of people that we had in, and she, on the record, made the statement that I would serve this amount of time and I would be released."

But we looked at him and said, "Well now, she was not our chairperson. We were not here. We don't feel that we have any responsibility to try to uphold what one person went off and did by themselves so you're not going to get out today." And the attorney, he had an attorney with him— most parole board hearings didn't have attorneys because you had to pay for your own attorney and if you was poor or indigent you still had to pay for your own attorney, otherwise you could get another inmate or somebody to come and speak for you.

But the attorney was there and he was sort of astute and he had a smile on his face and he said, "Okay. If that's your decision I'm heading back to Portland and I will be going straight to federal court and I will try to find the judge that heard what she said and [who] we had that agreement with us that we're trying to get you to uphold here."

We said, "Fine, have a good day." Smile and felt we had done our duty, you know we had shown that we could be tough on crime when it became necessary. So we went

back to work. About three o'clock we got a call from the federal judge. The statement was, "That guy will be out of prison by five o'clock today or you will be in prison by five o'clock today."

"Judge we don't have any problem at all. This guy will be out of here at five o'clock today." And we released him.

And then we just said to each other, "You know that doesn't make sense, we haven't committed any crimes so why should we go to jail and we haven't done anything and the guy that has actually been convicted of a crime he's getting out? Or even if we had let him in he'd had got out as soon as, somebody, the governor would probably come down and say, "What are you guys doing?"

[End of Tape 6, Side 1]

Tape 6, Side 2
2004 February 25

CH: So how was the state parole board organized and how many people were on it?

ROBINSON: It had a chairperson and four board members and by statute one of the board members had to be woman, by statute. It did not require you to be an attorney to be on the parole board. I was probably the second attorney that was there. I forget get his name now but I think we had a court of appeals judge, that some years ago before he became a court of appeals judge he had sat on the parole board. And most of the time it was just laypeople that didn't have any legal training that was on the parole board. After I was on the parole board for a number of years the only persons they would put on the parole board were persons with the legal training, was the only person that would be there. I think one time they put a probation officer on the board but all the rest of them down through the years, they felt that they got much more out of having those people being attorneys on that board understanding a little more depth in the law.

And I had my disappointments on the board. I had one where a guy had committed a murder. He got involved in the murder because he had picked up a prostitute and they had gone to a hotel room and carried out the sexual activities that he had paid her for. He had agreed to pay her a certain amount of money. He paid her that, and then while they were sort of getting up and getting ready to get out he discovered that his wallet was gone. She had stolen his wallet. Well, he lost his temper and struck her and she fell and the way that she fell, I don't know whether her head struck a piece of furniture or something, but something happened that caused her neck to snap and she died. Well he got out of there and split. Nobody could ever find out who had killed this lady. About ten years later he said that his conscience was bothering him so much he had to turn himself in. He turned himself in and got prosecuted for the murder and had a real good prosecutor, she was fair and tough and just did her thing. Well, he got sentenced and the judge sentenced him the same way that he had sentenced any other person that had committed a murder. But in

the time of our hearing the prosecutor came down and testified in behalf of the defendant. First telling us— without him turning himself in there was no way the state or anybody could have ever found out who committed the murder. So if there was any way that we could give him a break on sentencing we would do that. Her name was Marilyn Curry, a great prosecutor, a tough prosecutor. And she said, “This is the first time in my career as a prosecutor that, I came down to a parole board hearing and testified for a defendant. It will probably be my last time for this is not something I do.” We went into our session to determine how much time to give him. I was the only person making an argument that this guy deserved a break that— I think he had a minimum sentence of ten years— and I was saying that we should overturn that minimum sentence and give him less than ten years. But the board decided to give him the full ten years and treat him just like any other freed murderer breaking into somebody’s home, or killing an innocent party or going to a 7-Eleven store and shooting and killing the cashier. They treated him just like we would treat a person like that. To me that was not fair. It was basically almost an act of negligence. He had no intent to kill the lady. He was just angry and struck her too hard and she fell and broke her neck. That was one of my disappointments. That wasn’t all of them, but that was one. But those were the things that sometimes you release people and it would be in the newspapers the next day: “Parole board releases killer. Parole board does this.” And it was just really something that didn’t set you up to go on the bench. Didn’t get you set up to go on the bench.

And then another disappointment I had— the governor had said to the parole board chair, “You know, we’ve got to do something about the overcrowding. Can we try to work something out?” And the chairman gave me that assignment to try to do that, and what I tried to do, I tried to make a distinction between a person doing a robbery with a knife feeling that with a knife the people in danger are just the people within your arms reach. A person with a gun everybody in that area is in danger, passersby over by the door. And I was thinking that we should give more time to the person that used the gun and less time to the person that used the knife. And the Statesman Journal got a hold of that and they just crucified [Laughs] they just crucified me for coming up with that argument. So

eventually somehow and I don't realize how it worked out there was going to be a press conference on dealing with that issue. And I come to work the day before the press conference and the chairperson said, "Well Roosevelt the governor's not going to be able to go to that press conference, I'm not going to be able to go to that press conference, guess what? You're it. [Laughs] You got to go to that press conference." So I come in the next day and I go down to the capitol and go down into the pressroom and get bombarded by the press on what a silly idea that was and so forth and I went along with it. Nothing I could do. And came on back. But that relates to the fact that when I was trying to get appointed to the bench Governor Goldschmidt, the governor who had appointed me to the parole board, was also aware of that incident. And now I've got to try to go through him to get appointed to the bench. And so by that time he had decided not to run for a second term.

CH: Right.

ROBINSON: And in the past where maybe he would have had some of his staff interviewing the applicants for that district court job in Multnomah County, he did it himself. So he called me in and I went into this little small, sparse room, you know. He was sitting there, a pair of jeans on and completely relaxed with a piece of legal paper, a legal pad in part of his hand, and he just had a number of questions to ask me and he interviewed me and so forth. And that prior incident, I just alluded to it a little bit and I didn't get into and make a big issue. I just said sometimes situations come up and you may make a right call or make a wrong call but that's the call that you made. And you felt at the time it was the best that you could do. So he thanked me and I shook his hand and walked out of the state capitol. I went back to the office and figured that was the end of that situation.

And a couple days later I got a call. I knew that in the past because I had tried before, what would happen, if you didn't get the job the governor would have one of his staff people to call you and say, "Roosevelt, we appreciate you applying for the position and

you did a good job and so forth but the governor has decided to appoint person A to that job and thanks a lot.”

Then the governor himself or herself would call the person that he or she had selected and say, “This is Governor So-and-So and I just wanted to call you and congratulate you and let you know that I’ve decided to appoint you to the bench in Multnomah County.” So a couple days later I get a call from a staff member, you know, “May I speak to Roosevelt Robinson.”

“Yes, I’m here. How are you doing?”

She said, “The governor has decided to appoint you to the district court in Multnomah County.” And I almost fell out of my chair. I was so surprised and happy because it just went through the grain. And I almost missed that opportunity because I tried a number of times and got in the final grouping and just hadn’t got the appointment. And at this time I had bought a cheap plane ticket to go visit my daughter in San Diego and they told me when I bought the ticket if I didn’t use it, it was nonrefundable. But I threw my name in the hat and moved up through the interviews and finally I had an interview date; not with the governor but an interview date with one of the panels that made recommendations to the governor to who he should interview for the position. And I said, “Well I’ve got this non-refundable plane ticket in my hand that I’ve already paid for and I’ve tried three or four times and been rejected. I think I might just skip the interview and just go and have a good time and visit my daughter.”

But something said, “No. It’s probably better for you if you go and go through that interview and just let come what may.” So I went through the interview, finally got the appointment, then I cut it out of the newspaper, a newspaper article about the appointment and went back to the airline and said, “I couldn’t use the airline ticket. I know you guys said it was non-refundable, but I had to go to this interview to see whether I could get appointed to the bench. As you can see, I was successful, I was appointed to the bench.”

And they said, “No problem.” And they refunded my money for that ticket.

CH: And when you were trying to get onto the district court before, how do you put your name in the hat, so to speak?

ROBINSON: When you find out that there is an opening you call the governor's office and you get an application form from their office. You call the Multnomah Bar Association and get an application from them. You fill those out, send them back to their respective places and then it may be sixteen people that are applying for that one position. The Multnomah Bar Association had a judicial— and they still do— Judicial Selection Committee. They have a number of people on that committee and they were set it up where so many of the committee will interview so many of the applicants. Maybe these committee members review these four applicants. Another committee would do another four applicants. And they put all of that together and you go in and you interview with them, and probably I think, the politics come in then because each one of those groups probably have their person that they have selected that they should get it. So there's four groups. You've got four people. Group A is recommending Roosevelt Robinson, Group B is recommending somebody else, Group C is somebody else and Group D is somebody else. Well they just say, "Well why don't we just go ahead and send all of these to the governor?" They will. Then they have a poll where all the practicing attorneys in your county get this questionnaire to determine how many think that you are qualified and fit to be a judge for that position.

CH: And they're asking who this?

ROBINSON: The attorneys.

CH: The attorneys, uh-huh.

ROBINSON: The practicing attorneys, the attorneys in the county. They will send that information in. I think I came in number three or number four. I did pretty good there. And

then the governor will set up another committee. On that committee will probably be his or her legal advisor, an attorney that practices in civil practice, an attorney that practices in the criminal law and then maybe an attorney that's from a neighboring county. And those would be the people there. And maybe he might have two staff members there. And then they would set up times to interview these four people. And out of those four people they would make a recommendation on to the governor and they may say to the governor, "We think that you should appoint Roosevelt Robinson, or this second person." And usually the governor is going to appoint one of those people. But yet he's going to have one more interview. And that's where he and generally his legal advisor or his administrative assistants are going to sit down and interview you again, and then he will make a decision. But in my case he is a lame duck governor and he was going out of office and this is near the end of the year, the last year he was going to be serving and he probably was just turning over a lot of affairs to other people to take care of and he wanted to do that. And he did it and as I said I got the call and was very happy to receive that call.

CH: Did you know who else you were competing against?

ROBINSON: Ah, yes, I can't recall all of them at once, but I know it was a very, very close situation between myself and Judge Janice Wilson. She's a judge now, a real good judge. And I think a little political horse-trading went on. I think the thought was, "If I"— this is Governor Goldschmidt— "appoint Judge Janice Wilson, if I appoint her to this position when Governor Roberts comes in she probably would not appoint Roosevelt to the bench." So I think they got their heads together and the agreement was, "I'm going to appoint Roosevelt Robinson to the bench. You'll be in office next month, and when the next position opens up you can have the opportunity of appointing Judge Janice Wilson to the bench." And he appointed me. I think it was a good deal for me, because during her tour of duty she didn't appoint any African Americans to the bench.

CH: Really?

ROBINSON: None. Zero.

CH: Governor Roberts?

ROBINSON: This was Governor Roberts, none, zero, zip. But she appointed a lot of good people. A lot of women and so forth. But an African American was not high on her list. And then as I said, whether the county got the benefit of having the service of humble Roosevelt Robinson and Judge Janice Wilson, we both had an opportunity to serve and she's still serving. Due to my health conditions, I had to step aside.

CH: Were you active politically at all?

ROBINSON: Not a lot. I did do some things before I got involved in trying to become a judge because trying to become a judge is a nonpartisan position. So consequently I supported various candidates. I remember going to a phone bank and calling for the present governor, Governor Kulongoski when he ran against Governor Atiyeh years ago. We were unsuccessful in that but I worked on his committee. We had Gladys McCoy, a black woman, who was the chairperson, eventually a chairperson of the Multnomah County Board of Commissioners. And it seemed like each year when she came up for election or something I was out working for her. When Harl Haas was running to retain his job as the district attorney I got out and passed out leaflets for him, going door to door and just sort of keeping involved on the lower level, but yet enough that people would know that you'd been out trying to do something to assist them.

And right now even though it's nonpartisan, if you're a young person and you want to be judge you going to almost have to before you become a judge, I think, participate in the political arena. Because you do that, then your person is successful and they're sitting in the governor's chair and even though you may not have worked directly with the governor but you worked with his person on this committee, then you can call up that

person and say, “John, remember me ol’ Roosevelt here, you know, worked with you guys when you were doing that campaign and our man won and he’s in the governor’s office now and there’s a position coming up in Multnomah County for a judge, and I would like to be considered for that position. Is there any way that you can use your influence with the governor, to talk with the governor about me?”

“Oh sure, Roosevelt, I’ll do that now, call up some other friends that I know that probably has the governor’s ear and we’ll talk to him about you and we’ll see what happens.” But you almost have to have somebody else going there in your stead. Probably if you’re some powerful, overriding person you might could go and meet with the governor and tell the governor that you wanted him to appoint you to the bench and get it, but otherwise you need other good people— Harl Haas that you worked for in the past, or Mike Schrunk who you worked for in the past. You needed people like that to get to the governor saying—

CH: Good references.

ROBINSON: Yes. “Consider this person.” And that’s sort of the process that you go through.

CH: What about your involvement with the bar association?

ROBINSON: Well that’s very, very important.

[End of Tape 6, Side 2]

Tape 7, Side 1
2004 March 3

CH: This is an interview with Judge Roosevelt Robinson at his home in Portland, Oregon. The interviewer for the Oregon Historical Society is Clark Hansen. The date is March 3rd 2004 and this is tape seven, side one.

In our last lesson we ended with my question to you about your involvement with the bar association, and I was wondering how you were associated with the bar association and if there were various activities of the bar that you might have been involved in.

ROBINSON: Yes, I was involved with a number of bar activities to the extent that, to be honest with you, I can't recall all of them. I know the most recent, I was on the Chief Justice's Committee on Professionalism, trying to encourage professionalism and civility among the lawyers who practice law in the state of Oregon and trying to build a greater respect from the public point of view as they look at who lawyers are and what we can do. And it dealt with not just doing ethical conduct but the professional aspect and the civility, how you treat each other as lawyers. It doesn't help when one lawyer is always accusing the other lawyer of being a liar or twisting the facts and doing that. That might sound good to your client, but when your client hears that that leaves a bad impression with them. Because they'll say, "My lawyer's okay but all the other lawyers are crooks." Well that doesn't help because the other side is saying the same thing. So I did that.

I was also a member of the Oregon Law Foundation and I worked on the Bar's Affirmative Action Committee, and there were other committees. I think at one time there was a committee dealing with the correction division and I was on the parole board, and since I had some expertise, and what we were doing on the parole board that was an ideal committee for me to be a member of. But by doing that, you get to work with different lawyers and different judges and people get to know who you are, they get to know how you think about certain issues. In the future if you are attempting to become appointed to the bench and these people are around you have a better chance of getting their support

because they can say, “Well, I worked with Roosevelt on this committee.” Or, “I worked with him on another committee and I like the way that he dealt with certain issues and his thoughts about those issues.” That gives you a leg up on someone who wants the same position but has not worked on any of the bar committees. And then they have the local bar, the Multnomah County Bar Association, I worked on some of their committees also. And all of that is very— it’s just, just a no-brainer. You have to do it if you want to become a judge, because you need support from the Criminal Defense Bar, you need support from the Civil Bar and you put that support together and all of it is helpful when a committee is looking at you to make a recommendation to the governor as to whether or not you’d make a good judge.

CH: How did you find out all this information, that you should do this or you shouldn’t do that. Was there anybody you got advice from that pointed you in the right direction?

ROBINSON: Surprisingly, not really. I looked at the people who were getting appointed to the bench and I looked at the work that they had been doing and the activities that they had been involved in, and it appeared to me, generally the person that had wide experiences in different areas— if you did basically criminal law it was good to be on a committee dealing with criminal law but it was also important to be on a committee dealing with the civil law, and vice versa. And then when you looked at their resume you could see that. So, I really didn’t need anyone to tell me that these were some of the things that I needed to do. I did as much as I can, plus it was something I enjoyed doing also, and also being involved in the community. The Bar Association liked for their members to go out in the community and be involved in positive community work. Being the president of a nonprofit institution, mental health institution providing mental health services for low income individuals, for example, in Northeast Portland. And a lot of times when the state would give money to the county and the county would send it out to these various community entities they really needed good supervision of those resources so that you could get the most bang out of the buck that they can give you.

For example, when I was the president of the North Northeast Mental Health Center, the president would always go to a national convention dealing with mental health services and that would be a completely paid trip— your airfare and your lodging and food and everything was taken care of. But I didn't go. I made a decision not to go because I wanted to know as much as I could about the mental health arena that we had experts working for us like the chief executive of our organization and the various counselors. It would be more important for one of them to go to that meeting than it would be for me. To me I looked at it just as a boondoggle. I'm just going, the meeting' in Miami. Oh, golly, nice to go down to Miami. My sister lives in Georgia. I could go down to Miami and then swing through Georgia and visit with her and then come on back and make it more recreation for me. But that just wasn't me. I didn't do it that way. On the other hand if I would have felt that there was really something I could have gotten out of those meetings, that would have assisted me in doing a better job for the community mental health organization then I would have taken that opportunity to better myself and to gather more expertise in that area.

CH: So what other kinds of activities did you get involved in?

ROBINSON: Well, I did the mental health, I did the Yeon Youth Center where we dealt with young juvenile kids that— basically what we were trying to do was trying to keep them out of the state facility. Like keep them from going to juvenile lockup.

CH: McLaren?

ROBINSON: McLaren, keep them out of there and keep them in sort of a residential setting in the community. And it was important to try to do that and then I could use some of my legal training to get through some of the bureaucracies. Like for example, we had a nice old big house that we had the program housed in but then by administrative rules of the state we couldn't get state money and use that state money to purchase the home, although we could use the state money to lease it or rent it. So what we decided to do was

set up a separate corporation, a nonprofit corporation and then we would pay money to that corporation for using the facility and they would in turn eventually get the property paid off. And once it got the property paid off then we could, in turn, have that corporation give the property to the boys' home and then there would be a place where we owned our own facility. And doing things like that in the community.

CH: How was the district attorney organized and what did you have in the way of a staff?

ROBINSON: Okay. It was organized, we generally had a person that was our immediate supervisor and that person overlooked our cases and how many we had and what we were doing and so forth. And then we all used a pool of typists to type up jury instructions and things of that nature but we didn't have a special secretary for ourselves. Once I was promoted to circuit court, then you'd have a secretary provided for you. That secretary might be taking care of two attorneys, you and another attorney, and plus you had the pool of typists who typed up your memorandums of law and your responses, jury instructions and so forth. But it's amazing now. All of those people basically are gone, and each deputy district attorney has a computer on their desk and they have to do all of that work by themselves. They have to type up all their jury instructions, their memorandums and whatever, and that whole department where we had those pool of typists, the whole department does not exist anymore.

CH: It doesn't seem like it would be cost effective because there's such a backlog of cases or at least that's what you hear about. It seems like it would just take up a lot of your time and you wouldn't be able to hear more cases.

ROBINSON: And especially a person like myself would have been at great disadvantage because I was completely computer illiterate and to try to learn how to do my jury instructions. I'm in the middle of trial, trying to finish up the trial, sometime during that trial I got to take time out and get my instructions typed, my verdict form typed out. Early in the

case, if there is pretrial motions that I have to respond to, I would have to go ahead and type up those responses. For a person that was computer literate and a good typist I would say, "No problem." But I'm glad that I was there during the stone ages [CH laughs] of computer time and didn't have to try to do that. I really prefer to be a judge and have a staff. I've got a judicial assistant who types up all my legal memos and things that I had to do, and a clerk, a legal clerk to do my legal research for me, and a court reporter to take down transactions of everything that happened in a hearing. If I needed to go back and say, "Could you go back a week ago we had this trial and I made some statement about some issue and somebody's asking for a new trial or something, I want you to type that particular information up and give it to me."

And you had other people to do it for you. And even at that, as a state court judge we're limited to do that. But in the federal court their clerk writes memorandums and researches the law. If there's something that you have to decide on, they make recommendations of how you should decide the issue and if you agree with them all you've got to do is sign off on it and you're good, you're through. But in the state court basically we just ask for an objective research of the law, and sometimes the clerk would draw a conclusion and say, "I think that a ruling going this way would be better than going the other way and here's why." But generally they would just give you an objective view of where the law was at that time and if you agree with it you ran with it. If not, it was a starting point for your own research.

CH: As a circuit judge then you had a clerk, but you didn't as a district judge.

ROBINSON: Right, as a district court judge, no. We had a clerk that worked in the courtroom but generally not a law clerk to do research for you.

CH: Now, what is the domain of the district court? What was the range of cases that came to you?

ROBINSON: Misdemeanor cases on the criminal side and they kept changing it. But on the civil side I think it was approximately \$25,000 was the maximum you could sue in the district court. Over that you had to go to circuit court. So the district court was a court of limited jurisdiction, whereas circuit court had general jurisdiction over many cases.

CH: After you were appointed to the bench did the experience of being a judge differ from what you had expected it to be?

ROBINSON: Hmmm, not really. I guess if there was anything, I didn't realize the tremendous amount of responsibility that you have as a judge as opposed to an advocate for a certain position. Because as an advocate for a certain position whether you're advocating for the defendant or you're advocating for the plaintiff you are pushing the envelope on that side of the issue. Whereas a judge, you are a neutral individual that's sitting right in the center of these two different entities, making an argument for different things and you can't favor one side or the other. And even if you come to an issue where personally you feel that the law is not correct and it should be the other way you have to rule where you feeling is where the law is, even if that's against your personal beliefs or views.

CH: Is there any room for a judge to be a legal innovator?

ROBINSON: There is opportunity to be a legal innovator if you do it within the confines of the holdings that the Supreme Court or the Court of Appeals have made. You have some leeway if you only had a court of appeals decision on that, which is the law of the land, but technically is not solidified until the Supreme Court speaks on that issue. So you may take a chance and rule against where the Court of Appeals has said the law is wanting the Supreme Court to step in and make a decision whether you are right or whether the Court of Appeals is right. And sometimes there are certain issues that the court, Supreme Court is just waiting for that opportunity because they maybe have the same feeling that you do,

that that law should be interpreted in a different fashion but they have no case in front of them for them to do it. So when you step out with the innovation that you have and put it out there and they'll say, "Yep, this is a case that we've been waiting for. Now we can speak on this issue that we wanted to speak on." Now you can sort of lose your innovation, because if they said that you were wrong in going in that direction then you have to go by their rulings.

And I didn't particularly look for myself as an innovator. I tried to stay within the law as it was. There'd be some attorneys and they'd just come straightforward and would just say, "Judge, we know the law is not here yet but in my opinion it's going to get there one day, or it should get there." And then make that argument to you over and over again and you would rule against them over and over and over again because you felt that the law just wasn't where they thought it should be.

CH: How clear was it to judges as to whether the higher courts, especially the Supreme Court was wanting to clear up an issue? Were people aware of those issues?

ROBINSON: Sometimes. Sometimes there would be a case that they would make a ruling on and they would say, "This case came before us on these narrow grounds. We're only making our ruling on these grounds. But if this other issue had been before us there's a possibility that we'd have made a different decision." You could kind of see that they're sort of saying, "We were sort of waiting for the right case with this issue being raised." And when the defense bar saw that opening that they were leaving an opening saying that, "We probably would have ruled in your favor on this case if you had brought this case on this issue." And they may even tell you how they would rule on that if it came before them. But that would only be dicta, it would not be a holding. It couldn't be a holding because that was not before them. They just gave you an idea of their thoughts.

CH: How would they make their thoughts known? I mean was there a venue or a means?

ROBINSON: Right. Well, generally it would go to the Court of Appeals, the appeal would, and the Court of Appeals make their decision. Then one side or the other then may appeal it to the State Supreme Court and the state Supreme Court wanted to take it they would bring it up and make their decisions. If they didn't they would just let the decision that the Appellate court, the Court of Appeals had made, leave it there. But it would be through the appeal process usually from the court of appeals decision. So you had cases that the Court of Appeals would support you in your ruling and the position that you had made. And it could go up to the Supreme Court and the Supreme Court would then disagree with the Court of Appeals and overrule you. Or the Court of Appeals could disagree with the position that you had taken and if it was appealed on some occasions the Supreme Court would agree with your position not the position that the Court of Appeals was taking.

CH: If the supreme court was interested in clearing up an issue and a case was coming before one of the lower courts is there any way that they can actually reach down and take that—

[End of Tape 7, Side 1]

Tape 7, Side 2
2004 March 3

ROBINSON: In the way that that matter came to be. Like for example the PERS program and the problem that we had with the PERS Retirement System. When the legislature passed the last bill dealing with that, they put a provision in that bill indicating that if other people disagreed with what they had done that it would go directly to the Supreme Court and would not go to the Court of Appeals.

But now in the family law area, divorces and child support and things like that, it would say de novo appeal, meaning that when the case comes up before the court they could make completely different rulings. They can make different rulings on the facts, they can make different rulings on the law and they can write a completely different decision than the trial court did. But on the other cases they just have to take the issues that were specifically appealed, and you generally can't appeal factual decisions. You appeal legal decisions. But under de novo appeal the Supreme Court can look at the facts and then can say, "Well, the judge found that this fact existed. We don't know what he was thinking about, or she was thinking about on that date in question, but from this transcript and evidence that we've seen we don't see how he or she came to that conclusion. We find the facts to be as thus." And they go ahead and lay out what they find them to be. "And now that we have found the facts to be that way, now we apply the law to those facts and that causes us to come to a complete conclusion that's totally different than that of the trial judge. Where the trial judge said that Mom should have custody of the children and Dad should be paying child support to her, we reverse it. We found that Dad should have custody of the kids and Mom should be paying child support to Dad." They can completely change everything that the trial court had decided.

CH: And is it the Supreme Court that decides if it's a de novo case?

ROBINSON: Well, it's only if it's in the family law. That's the only area that the Constitution allows them to make that de novo ruling.

CH: And how did you feel about being reversed in a decision?

ROBINSON: Usually I felt, as long as the court explained clearly why it reversed me I felt that that was a learning experience for me. If it was in the criminal arena I could also talk to the police department and say, "I made this ruling in you guys favor when this case was before me. But the Court of Appeals disagreed with me and they overturned my ruling and here's why they did it. So you guys probably should look into your procedures and make sure that you don't do that conduct again because if you do the case is just going to get overturned again because the Appellate Court has spoken." I was a little disappointed sometimes when they didn't seem to me to give a clear reason for why they overturned it. And sometimes you get overturned because when you made the ruling a year ago that was the law in the state of Oregon. But since that time another case has gone up and the Supreme Court has made a different ruling. And then they look at your case and they would say, "Well, Judge Robinson could not have considered this ruling because we had not made that ruling at the time." [Laughs]

CH: [Laughs] But you're still reversed.

ROBINSON: But you're still reversed. But it was a teaching exercise and you didn't want to be in a situation where you were just getting constantly reversed. That would be an indication that you was going too far in a certain direction. And also if you're getting almost all your cases upheld it was probably an indication that you weren't taking enough chance to be innovative in certain areas. I went to judicial college and one of our teachers said, "You're not a real judge until you have been reversed seven times." Because once you've been reversed seven times then you consider yourself a real judge, then you can get on with your life. [Both laugh]

CH: Did you feel like you had any kind of a mission or a reason for being a judge and that you wanted to develop certain areas of law?

ROBINSON: Yes, I did. I felt that the law should be more user friendly to our citizens on the street, wherein they understood their constitutional rights and even with police confrontation they demanded their constitutional rights. Not the extent that they were going to start a riot or start fighting with the police or something like that. The police come up to you and say, "You're under arrest." You don't need to get a resist arrest on your record even if they're completely wrong and even if you know they got the wrong person. And if you try to explain it to them and they won't listen to you, just go ahead and go on down because you have a remedy later on. You can sue them for false arrest for one thing. But you don't need to try to take care of it right there in the streets.

And I was interested in also trying to make the legal system more effective in the sense that with the higher recidivism rate, to me was an indication that we were not doing something right. You have a person standing before you with a serious drug problem, you can throw the person in jail or in prison and they walk out, they're still a drug addict and the first place they head for is a drug house. They don't have a job. The next thing they do, they're involving themselves in criminal activity to purchase their drugs. Whereas if you have a drug treatment program that's ran by the court itself, where the court demands that these people get drug treatment and they attend their drug treatment on a regular basis and you take urine samples on a frequent basis.

For example the STOP program that I was involved in was called a drug diversion court and STOP stood for sanctions, treatment, opportunities and participation, I think. Something like that, where the person had to really become involved in the program. Well, we'd have random urinalysis every day. Usually a different number would come up. So when you came in the program you were given a number. Say you were given the number ten. Well, they'd call you up, you would call in and there'd be a tape recording that would say, the urinalysis number for today is ten. So that meant that you had until five o'clock that

day to go down and give a urine sample to see whether you had stopped using or whether you were clean; and since you never knew when that number was going to come up you couldn't try to guess, "Well I can use— number ten just came up today and I was clean so I could go out and use tomorrow because number ten is not coming up tomorrow." And sometime number ten would come up tomorrow and catch you right there that you were trying to outsmart it. Plus, what we did, the people who were continuing to use, we had certain numbers that came up more frequently than the one that we felt were not using. But generally when there was a year's program and if they were successful we'd have a little graduation ceremony. The little graduation ceremony was to encourage other people in the program, to show them that they could get through the program and they could be successful. And sometimes we'd have some of these successful people to give a little speech and they would tell how it had saved their family, they had saved their marriage, or they had saved their job, they had saved their business and how life was looking so much better for them— after having completed the program.

But a program like that cuts down on recidivism because what you have done, you have dealt with the root cause of that individual's criminality and that's the only way we're going to get the crime under control in this country is trying to put our hands on some of the root causes. Job training, so that people can train to get a job. Train to get a job that will pay more than minimum wages, because it's pretty tough to deal with the little minor dope dealer that's making a thousand dollars a day. And you want to bring him in and pay him five dollars an hour minimum wage if that's what the minimum wage is or was, at that time. He's going to look at that and say, "Hmm, I'm making a thousand dollars a day and I make in a day more than almost as much as I'd make in a month working at McDonald's flipping hamburgers. So I think I'll continue to sell drugs." But they generally get caught and it's a lose-lose situation. But you can show them a system where they can work and make better than minimum wages, get promotions on their job, do some positive things a lot of people will accept that out.

And also I participated quite a bit in the community court system. And these are your minor nuisance misdemeanor infraction type charges— drinking on the street,

urinating on the street, putting graffiti on people's property, shoplifting, prostitution, both from the person who hired the prostitute and the prostitute himself or herself, trespassing, those type of crimes. And instead of just building up a long misdemeanor criminal record for that defendant, they come in and they plead guilty to the charges and then you give them community service, so many hours of community service. So the community people that have been interfered with by these individuals can now see that these individuals are outside cleaning up and working in the park, cleaning up debris off the streets and doing things of that nature and they're putting service back into the community. And you look at people with any particular expertise and you would try to incorporate that into your sentence so the person can use that talent doing restorative justice to the community.

Those things have a tendency to be quite helpful. And obvious things like having the person write an essay, maybe a three-page essay or two-page essay on why they shouldn't be stealing. Why stealing was a bad thing for society, or why they shouldn't be doing this certain thing. And a lot of times that was the first time that these individuals looked within themselves as to why they were doing what they were doing. And sometimes they didn't like what they saw and they would say right in the essay that they were going to change that conduct and we will not see them again in the court system because they learned a great lesson. And to have the system working for and with the defendant is so much different concept than to have the system just always coming down, crushing the defendant. "Hey guy, we're on the same side here and we're trying to do what we can do to help you be a contributing [member of] society." Sometime I would also require— if the person was not a registered voter— we had the voter registration application right in the courthouse, have them fill out a voter registration slip. If you're going to become an abiding valuable member of the community, one of the things that you need to do is to vote. But we're not adamant about that if somebody just said, "I just don't like the system and I don't want to be made to vote."

"Fine, but it's just an opportunity that we're offering you another service."

CH: You mentioned the judicial college that you went to. What was that experience like and when did you go to judicial college?

ROBINSON: I think I went to judicial college in probably 1992 and it was the University of Nevada at Reno and on that campus we had a nice building where the program ran out of that building and they would have just top judges or top attorneys throughout the nation to come and instruct us on various areas of the law from the standpoint of the judges' perspective to that case. A case comes down, the defense looks at it and the first thing they do is try to find ways that they can manipulate that case to be helpful to them. The prosecution looks at it, if it is a criminal case and they're looking at the same thing— how can they manipulate that case to be helpful to them? But if a judge is looking at it, you're not looking at it as helpful to the prosecution or helpful for the defendant. You're looking at it as how I can take this case and I can make a ruling right down the middle. Not favoring either side. So your prospect of looking at it as a judge is different than you would have as a prosecutor or a defense attorney.

CH: Was the judicial college used as an orientation process for judges as they came onto the bench?

ROBINSON: Sometimes it was used that way and sometimes you would have already been practicing as a judge for a couple of years before you had an opportunity to go, because your state had to pay your tuition. When I was there it was a three-week program so they had to pay for your airfare and your food and your lodging and pay for everything except your gambling expenses. [CH laughs] They didn't give you any extra money to go down to the casino. If you were going to take that chance that came out of your own pocket.

CH: How did you feel about lawyers that represented clients you were sure you knew they were guilty? How do you feel about that kind of representation?

ROBINSON: I had no problem with that at all, because the state having made a decision to bring a charge against one of its citizens has the burden, by law, of proving that case beyond a reasonable doubt. And I looked upon it as the defendant's attorney's responsibility to hold the state to that high burden. And even though the defendant did the act that he or she was charged with, if the state couldn't prove it beyond a reasonable doubt then the defendant had the right to walk out of that courtroom with a not-guilty verdict. I had concerns where I felt sometimes that the defense attorney sort of knew that their person was guilty, but yet, sort of tried to be creative and come up with stuff that was going to help the defendant get off or maybe make suggestions: "Well, you know if you testify this way that's going to hurt you. If they ask you this and you say, 'I don't recall.' Well, that don't recall answer can save you a lot of grief. You can't be accused of committing perjury or lying if you're just saying you don't recall." I didn't think it was the defense attorney's responsibility to create a defense for the defendant. But it is their responsibility to take the facts that the defendant presented to them, and use those facts in making the state carry its burden. And also the defense attorney carried a high burden on themselves too. If the defendant told the defense attorney that they had committed this act, just told them upfront; now that changes what the defense attorney can do. The defense attorney cannot call that person as a witness and put that person on the witness stand and let that person testify that, "I didn't do it." Your witness had to sit there by your side, "Well, your honor, we have decided to make the state hear its case and prove it beyond a reasonable doubt and in that we don't feel that the state has done that. We will be asking for a not-guilty verdict." But you could not do that. That'd be an ethical conflict to do that.

CH: In your court in the— well, I don't know if it's different between the district court and the circuit court, but are the trials always preceded by a hearing with a hearing at first prior to the trial?

ROBINSON: Not all the time. It depends on the defense attorney. If the defense attorney had a motion to suppress statements that had been made alleged by their client in violation of Miranda, the Miranda ruling, or it was a search and seizure issue where the state was in possession of the illegal product that the person is being tried with and the defense was saying, but they used illegal means in getting that information so therefore it cannot be able to be used against the defendant. And if they got some information illegally and then they discovered that they were going to lose on that, so they would take that illegal information and come from another viewpoint and try to present to the court that now this is clean evidence about what this guy did. And there's a theory called "the fruit of the poisonous tree." You couldn't go and use that ill-gotten information and start another discovery process and through that discovery process come back against that because you would never have known to go that way unless you'd got that illegal information in the first place. And then if you found out that that's what they were doing, the fruit of the poisonous tree doctrine would prevail and you would throw that evidence out also.

CH: What makes for a good hearing?

ROBINSON: Well, a good hearing is two well-prepared attorneys. That they have prepared themselves well, they understand the facts of the case, they understand the law that applies to the case...

[End of Tape 7, Side 2]

Tape 8, Side 1**2004 March 3**

CH: This is an interview with Judge Roosevelt Robinson at his home in Portland, Oregon; the interviewer for the Oregon Historical Society is Clark Hansen. The date is March 3rd 2004 and this is tape eight side one.

So we were talking here in between tapes a little bit more about the Miranda decision that Judge Roosevelt had mentioned a few minutes ago. [static on tape] So you were talking about potential punishment for a police person that was constantly putting people under duress while questioning them. But if it's apparent to everybody that the person actually did commit the crime— of course that's the part about the Miranda decision that a lot of people are skeptical about, what difference does it make? I mean, if the person did confess and everybody knows and all the other evidence is pointing to the person as being guilty, so what if that confession was gotten under duress? The main thing is that we caught the guilty guy. That's the argument that's used and how do you feel about that?

ROBINSON: Well I have a concern with the duress part. As long as there was no duress, just simply a technical violation that the person was not told that the statement that he was making could be used against him in a court of law and his confession is completely consistent with the facts of the case the Miranda decision of attempting to punish the police officer, or the state and the police officer, by not letting them use that evidence also hurts the innocent party, the victim who had nothing to do with the way that they carried out their procedure; and was the victim of a potential vicious crime that the defendant is going to walk away from because of a technical violation. It probably would have been better if the court had laid out a plan whereas a police officer who was constantly using improper procedures in questioning defendants or coercing them into a confession that that person then lost his or her job. That would then go directly to that officer and that would also make a statement to the other officers. The Miranda decision has been just, over the years trimmed back quite a bit. It has to be an in custody situation, it can't be a situation where

the officer's on the street talking to the person and the person has a right to walk away. Anytime that they want to. They just come and say, "Hey guy, I'd like to talk to you about this case, but now you're free to go anytime you want to stop talking to me. If you want to walk away, that's fine with me." That's not a custodial situation. The person makes a confession in that conversation it's generally going to get allowed by the court even though the person had not been warned of their Miranda rights. And I think that as time goes on, and this issue goes on, it's going to be much more restraints put on the holding of that case to try to make it fair to all sides. What we don't want, we don't want confessions that were beaten out of the defendant, or coerced out of the defendant. But if a technical situation comes about that evidence should not be withheld from the fact finder.

CH: But for say a young kid who's committed a crime just the fact that he's in handcuffs with someone holding a gun could be—

ROBINSON: A coercive atmosphere. It could be a coercive atmosphere.

CH: And judges recognize that.

ROBINSON: Absolutely. How many police officers were there? Were they all in uniform? Did they have guns drawn? What did they say to the person? Did they make any type of promises or threats? What atmosphere? And even if the officer testified that that the defendant was free to go and you looked at the way that the thing was being carried out, you would think that a reasonable person under those circumstances would have concluded that they were not free to go. You'd make a finding then that even though there was not active custody, there was constructive custody, and consequently the information cannot be used against the defendant. But you took all that into consideration. Prior contact with the police. Generally a person who's had a lot of contact with the police already understands, a lot of times more than the judge or the defense attorney or the prosecutor, about what goes on and they're just trying to play the game. As opposed to

the country boy who comes out of the country and gets tied up with city slicker and gets talked into committing a certain crime, well that person is not that astute in dealing with the big city police officers. So you'd have to look at that case very carefully as opposed to the person with ten arrests on their record knowing what's going on and the game that they were playing. Sometimes when I was in juvenile court I'd have the person up there and I would say, "Come-on guy. You can play games with your mom, you can play games with your counselor but I don't feel like playing games with you. You and I have to get along, you got to come straight with me." And then I would just go ahead and lay out where I thought things were. And a lot of times he or she would smile and say, "You're right judge, you're absolutely right."

CH: What makes for a good oral argument?

ROBINSON: Well, preparation, number one, preparation, number two and preparation, number three.

CH: [Laughs] but what about things like brevity and efficiency and other aspects of—

ROBINSON: Well, generally those things fall into place when you're well prepared. The issue comes up and the longer it takes you to explain that issue may be an indication that you have not prepared adequately for it. When you've prepared adequately for it you can just go one, two, three. "This the way the facts are and this is the law we think you should apply to it. This is what we think your conclusion should be." It's just much easier to come to a brief discussion and get to the point when you're prepared. The longer you talk that's an indication to the court, to me, that you really wasn't prepared for that issue and you're just trying to think on your feet and you're just trying to stumble around and maybe hit the right button if you keep stumbling around.

CH: [Laughs] What have been your most difficult cases as a judge to decide?

ROBINSON: I think the most difficult cases I had was really the family law cases dealing with custody of minor children and the one that were very young minor children, those were the toughest cases. Because what you needed to do was try your best to make a decision on what would be in the best interest of the child, not the best interest of Mom, not the best interest of Father, not the best interest of Grandmother or Grandfather or any family members. But what was the best interest of the child. And when you had standing before you two terrible parents, both bad parents and your only choice is to give custody of those children to one of those parents you're left with a decision of just trying to say which one of these bad parents would do the least damage to these kids. Either one of them is going to do damage to the kids. Which one would do the least amount of damages and try to give custody to that person as opposed to having two good parents standing before you, they both love and care for their kids, they want what is best for the kids yet they both want custody of the kids. And they are not saying, "She's a bad Mom." And she's not saying, "He's a bad father." They want custody. Well, in that case it really doesn't make much difference which one of those parents you give custody to the child because each one of them is going to be good for those children. It's just that case where you've got two bad parents standing before you. And then another easy case is you got one bad parent and one good parent and you can pick out the good parent and you can make that decision. But the two bad parents are the ones that cause me the most trouble.

CH: Have you ever followed the history of the litigant beyond your decision in court?

ROBINSON: Generally not. Generally when I've made my decision in court I made that decision and I was through with it. Unless I saw somebody five years down the road and they said, "How are you doing, Judge? You handled my divorce and did this and everything's been going fine and I appreciate what you did and I appreciate you listening to me." Something like that. You have so many things coming in on you, you have to make

a decision on a case and then let that case go and move on to your next case, move on to your next case.

CH: After you were appointed to the district court when did you run for that position on the court, or did you?

ROBINSON: Well you can only, in the state of Oregon, you can only serve for two years without running. And since generally there's an election every two years, when that election comes up you have to run. But that's the longest amount of time that you can serve without running for the office. And usually if you're doing a pretty good job, you're not upsetting the defense, upsetting the prosecution. Most of the time, as an incumbent you didn't have any opposition. So I ran once for a district court position, I didn't have any opposition, and I ran once for the circuit court position and I didn't have any opposition at that time.

CH: Were you appointed to the circuit court to begin with?

ROBINSON: Yes, I was appointed to the circuit court from the district court by Governor Kitzhaber and he did that before the two court systems were combined. Eventually the district court and the circuit court were all combined into the general jurisdiction court of the circuit court. But before that time it was not. It doesn't really make a lot of differences because, in changing what you can do in the administration the chief justice of the Supreme Court and the presiding judge can request that you do, you are only protected for the six years that you were elected to. Because in that six years if they generally have to come to you and say, "Judge Robinson, we're getting a backlog of district court cases would you try some district court cases and help us out, try some traffic cases, animal control cases?"

And you could say, "No," because you had been elected to a position wherein you did not have to do that. Once that six year term was served, then the next time you were

elected then the system would treat you just like it did— the district court judges who were brought up from district court to the circuit court and it wasn't a situation that we were going to do it just in name only. "We're going to bring you up from district court to circuit court but we're only going to give you old district court cases." Everybody had to put their hand to the plow and handle all types of cases.

CH: How did Governor Kitzhaber decide on you being the right person for the circuit court position?

ROBINSON: Generally I would just have to take a guess at that. Looking at the people who were applying for that circuit court position that had opened up, his conclusion that I would be the first person that he would think that would fit that conclusion, I remember I had a nice interview with him and there was certain statements that I made in my interview that his legal advisor told me that the next time he was out making a speech he had borrowed one of the statements that I'd made in my interview with him in his speech. So then that was an indication to me that he was impressed with the results of that interview with me, prior to that time.

CH: Do you remember what that was?

ROBINSON: Well I think it dealt with a specific issue and right now, I'm sorry, I can't remember all of the parameters of it but it was dealing with building jails in the various communities. And usually the people that pushed so hard for making the laws harsher and giving people large amounts of time in jail were the first persons that didn't want a jail built in their neighborhood. But they would want to build them but not in my backyard. And I mentioned that I felt that sometimes it was appropriate that if you were so committed to the fact that you wanted these people serving more time, you may have to commit to the fact that that jail was going to be built in your community. And that was a time that they were having the discussion about building a jail in Wilsonville, where those upper-class

people were living and they didn't have any interest in a jail in their community but yet they were the type of people who would continually vote to give people more time but they wanted that jail built in my community, not their community. And he thoroughly agreed with that position.

CH: But in the end he didn't win did he?

ROBINSON: I don't know what happened in that case, something came up.

CH: Oh, I think they ended up building it, they decided, down the road. It was going to be at the old Dammasch Hospital.

ROBINSON: Right but I think that they went down the road, or they were thinking about that but he was more— not the typical politician. He was different in the way that he conducted himself as governor, and it was my pleasure to be appointed to the circuit court by a person of that nature, the same as I was pleased to get appointed to the district court by Governor Goldschmidt.

CH: Do you have any opinions that you've written or decisions that you've made that you feel will have a lasting impact on our state or this area?

ROBINSON: Probably. I made rulings on the photo radar and I made a ruling that the concept of photo radar and photos at red lights was constitutionally sound and most of the cases that have appealed, our appellate courts have upheld the constitutional soundness of photo radar. So that has had an impact on the state of Oregon laws. And the decision of the case against the tobacco company and now my mind must be getting tired because I'm trying to think, the largest tobacco company, which one? It's not...

**[End of Tape 8, Side 1]
[Tape 8, Side 2 BLANK]**

Tape 9, Side 1

2004 March 10

CH: This is an interview with Judge Roosevelt Robinson at his home in Portland, Oregon. The interviewer for the Oregon Historical Society is Clark Hansen. The date is March 10, 2004 and this is tape nine, side one.

I wanted to ask you about some of the other accomplishments you achieved in your lifetime and some of the things that I had seen in various accounts was your involvement with the community court.

ROBINSON: Yes.

CH: I think we mentioned it before, but you could explain a little bit more about the community court and how it worked and what you did with it?

ROBINSON: All right. The community court is a new concept for the state of Oregon. It has been going on for a number of years in the state of New York. What it does is on the misdemeanor level there are a lot of somewhat small crimes that are nuisance crimes and affect the quality of living in a community. And we are living in times where it is very expensive and time consuming to dispose of those cases in the regular court system. So what you try to do is go to a certain community or segment of the city— Northeast Portland, Southeast Portland— and usually set up the court in a community center and have an advisory board of citizens who live in that community and let them know that their opinions are respected and in a lot of the cases a lot of those community activists would come to the community court every day and sit there and watch the proceeding. Then what you try to do, you take those crimes— shoplifting, which could be very expensive to cure through the regular system just that one shoplifting case, then in community court, the person is appointed an attorney. But that attorney can represent ten, fifteen or twenty people. And the defendant goes to that attorney after the community court concept had been offered

to them and they've indicated that they want to do it, they realize that they have to enter a plea of guilty to the charge.

After entering that plea of guilty we have a matrix set up for so many community hours for a first time shoplifter. It may only be eight hours of community service. Then we will try to have that community service performed in the community where the defendant and the victim live. Once they have completed the eight hours of community service, and also we could add other conditions and generally one of the conditions, we had a program called theft talk where people went to the program and they discussed stealing and why not to do it and so forth. They might have to complete that program also. Then once they have done that we get information back from the work crew that they have completed their community service and from the theft talk program they completed that program. Then the case is dismissed, with prejudice, against that defendant. And so that is a conviction then that doesn't go on the record because he has been allowed to withdraw his plea of guilty. He withdraws his plea of guilty and the court then enters a not-guilty finding. For a person that has no criminal record that's very effective because now they can have that single misdemeanor expunged after a three-year period. Once you get it expunged then you also can get the arrest expunged. So nothing is on your record showing that you were even involved in that incident.

CH: What are the qualifications for being accepted into that program?

ROBINSON: Well one of the major qualifications was you couldn't have a major felony along with the misdemeanor. You couldn't go do a serious assault on a person and then take a pack of cigarettes from them and be charged with the serious assault and the theft three and go into court and get the theft three placed in the community court. You couldn't do that, it had to be a simple misdemeanor that you could deal with by itself, and we didn't look at your prior record. You could have had ten convictions, misdemeanor convictions and we would still take you.

CH: If you had had a felony on your record and it had been taken care of, you'd served your time or paid your fine or whatever, then if for say like a simple theft could they go on to this?

ROBINSON: You could still come into the program.

CH: You could still come into the program.

ROBINSON: Because you've already completed your time on the felony. And even if the felony had not been completed, if you were still on probation for the felony, if your judge, the felony judge that's supervising you through the probation department, once they heard that you were going into the community court program for this misdemeanor many times they would defer a decision on whether they were going to revoke you on the felony and send you to the penitentiary. Usually if you successfully completed the community court program and got that charge dismissed then the felony judge would not revoke you and send you to the penitentiary. But you would have the revocation hanging over your head if you then violated the community court rules and didn't complete the program because then the court would just accept your guilty plea and give you a sentence.

CH: And how many times can you be a participant in this program?

ROBINSON: I think when we first started, we started out that you could participate in it only once. But as time went on we concluded to leave it open-ended and in certain situations a person could participate in the program more than once.

CH: Are there limits, though, in terms of if someone's a repeat offender again and again?

ROBINSON: And what we did in those situations, in setting up the program it was set up through negotiations with a lot of stakeholders. For example you'd have the district

attorney's office there, the defense bar, the judiciary, and maybe someone from the work crew program. And the rules would be set up and in certain situations if the person didn't meet a certain criteria the offer could go in to community court, but not be allowed to that defendant. The prosecutor would just get up and say, "Your honor, because we have a rule here that states 'if you do A, B, C then you can't qualify for that program.' This person has done, A, B, C, D and really doesn't qualify for this program." And then that person wouldn't get in.

Sometimes the attorney might then say, "Well, you know you're talking to a regular judge and this regular judge is saying, 'This person can't come into the program.' Why don't you allow me to go approach Judge Robinson in the community court and let me lay the facts before him and see whether or not he would agree to let this person into the program?" And sometimes through various technicalities you could do that, you could say, "Well we do have three convictions in that matter that you've brought before the court, but that was one incident. There was one incident where the defendant stole a pack of cigarettes and then when the security guard came to apprehend him he fought both security guards and he got one theft charge and two assault charges." But if you look at it, it all happened out of one incident. It wasn't a period of ninety days or six months where the person one week went in and did the theft and maybe next month went and did the assault. Then another month did the other assault. It was one episode, one incident. And I'm going to count that as one incident; therefore because of that I'm going to allow this person to come into the program.

CH: Who set up the program originally, here?

ROBINSON: It was— the district attorney's office some way had some information about the community court system in New York, which had been an ongoing successful program. So then they got together at the district attorney's office and the judge who was the first judge in the state of Oregon, Judge Clifford Freeman and the defense bar and they worked out an agreement to set up the program. I was involved initially in the initial meetings in

trying to get it set up. But since I was not going to be the community court judge then I stepped out. And once they had selected the person, Judge Clifford Freeman, who would be the community court judge, then he became involved and ran with it until the first community court was established in Northeast Portland at the King facility, the King Neighborhood facility. But what I did, I made myself available to fill in for Judge Freeman anytime that he needed to be off for a vacation, health reasons or whatever, I would go and keep the court going for him.

Then they started a community court in Southeast Portland, and Judge Freeman was the judge presiding there and I did the same fill-in for him. And although there were some differences in our approach, we worked together. For example, what he liked to do, I think he came from an education background, he'd been a teacher and he'd been on the state school board for a number of years but sometimes he brought some of his teaching principles into the court. One of them was, he would have people to write "I will not steal again" for 100 times on a piece of paper. "I will not steal again, I will not steal again."

CH: [Laughs] This sounds like grade school.

ROBINSON: "I will not steal again." [Laughs] I didn't agree with that principle. I thought it was, first it was too easy and the person could do it without thinking about their conduct, just by rote: "I will not steal again, I will not steal again." So what I'd have people do, I would have them write me an essay and in the essay I would have them tell me why people shouldn't steal, the downfalls of it, the public feeling. If you thought it was okay for you to steal then write me an essay telling me why you think it's okay for people to steal, just try to justify the position that you have taken. And this introspective look into a person's conduct and themselves, to me I thought had a lot of effect on a lot of the people who had come through there. For a lot of time you could see in their essay they'd be saying, "You know, I'd never thought about that before. But after thinking about it now you're not going to see me in court again on something like this. I understand why I was doing it and what was going on and I just don't need to do it."

I enjoyed doing that and I enjoyed doing some other things. Someone said, “Well, I can’t write.” “Can you draw?”

“Oh, yes, I can draw.”

“Well, do you recall the incident when it happened?”

“Oh, yes this police officer comes riding up on his big horse and I was doing such and such and he’s sitting up there on that big horse looking down on me.”

“Can you draw the court a picture of the police officer on the horse when he rode up and?”

“Oh, yes Judge.”

Something like that so they’d draw a picture and if a person could write but couldn’t write an essay, “Could you do me a poem?” He’d write me a poem. “Could you write a theme song for the community court? Could you draw me a picture of your concept of a community court?” And it was just interesting the things that we got because a lot of times we’d get college students who were home for the summer and, you know, trespassing in a park, drinking beer in the park, doing things like that, things which they didn’t need on their record as they went through their careers and they would always good candidates. “What are you majoring in?”

“I’m majoring in architecture. I’m going to be an architect.”

“Oh, well then you be the architect for a community court building for me, see how you can draw that out.”

And I think what I really enjoyed doing was working with the mentally handicapped individuals. We didn’t have a real good— we didn’t have a mental health court. At one time we had discussed trying to set up a mental health court for people with mental issues who got involved in the system and we ran them through that court instead of the regular system. But because of the financial considerations we couldn’t afford to do that. So I started out what I call a mental health tract. Mental health tract. We’d still take people with mental health program and the only thing we would do was try to get them to participate in the program that they were already assigned to. If they had a counselor or they were supposed to go to meetings once a week we would say, “Okay, we’re going to set this

matter over for ninety days. And during that ninety days we don't want you to miss any of your meetings, any of your treatment." And when they went to their meetings and their treatment we dismissed the case against them.

But I need to back up a little bit, because eventually when the downtown merchants heard about the community court concept they wanted a community court, although you generally don't think about downtown as being a community per se. But a lot of the merchants had shoplifting problems, trespassing problems, graffiti problems and they thought that this would be a good way to get a lot of those issues involved. But then I was involved initially in having set up the downtown community court. And I think I served in that capacity for about four months to get it well established and get my mental health tract part of it running, my essays running, and to me it was really a good concept to have a senior citizen writing and say, "My backyard was just a mess and the community court crew came in, the work crew and they cleaned up my backyard and I made sandwiches and lemonade and took out and gave them that because they really did a good job and I really appreciate the job that they did for me." It was good to get letters like that.

CH: I bet, I bet. Is there anything unique about the community court here, any innovations, any changes that were made that was not part of the programs in other communities?

ROBINSON: Well a lot of the communities just flat out didn't have a community court, because if you have a community court there are certain philosophies and framework that you try to set it up and follow those philosophies of what makes it effective and how to reach out to people. In my experience the community court was generally the first time a person, a defendant had come to court, especially those who had had prior contact with the criminal justice system, where the system said, "We want to help you, we're here to help you, and we just need you to work with us and we will help you. We know we're getting a conviction up front. We're doing that because we don't want you to come in and jack us around for three or four months then drop out of the program and say, 'I want my

day in court now.’ And now the state has to go out and try to find witnesses and put the case against you. But now that we’ve got all the witnesses here, you plead guilty, you can be revoked from the program, you already pled guilty, you got that hanging over your head, only thing I got to do is sentence you and then this case is disposed of, either one way or the other. You successfully completed it and you got it dismissed or you didn’t complete it and you got sentenced on it. But, you hold the answer in your hands of which way it’s going to go.” And I think most jurisdictions that were going to set up a community court would use those concepts.

CH: Going on to some other things, you’ve been involved in some other activities. Actually could you tell me in general about other programs that you have been involved with?

ROBINSON: Well the other major program that I was involved in was the drug diversion court and that was a much needed innovation in the criminal justice system in that we were getting so many drug cases the drug cases were just dictating when you could get cases out to trial, when you could get a civil case, have a judge available to try a civil case, just or more less was a hundred pound gorilla that just came in and was taking the criminal justice system hostage. We had to have some kind of way to deal with the influx of those cases and try to do something about recidivism. So the concept of the drug court came up, if I remember correctly, the first drug court was started in Florida in the county that’s Miami’s in, I forget what county it is.

CH: Dade, Dade County.

ROBINSON: I think it might be Dade County. And if not Miami it was one of the other ones, I’m thinking of another county. But Janet Reno was the Attorney General of Florida at the time that they set up their drug court and some way Harl Haas, circuit court judge, Multnomah County found out about the program, and I think traveled back to Florida,

looked over the program and said, "This is a wonderful program. I would like to see this type of program started in Portland for the Multnomah County court system." You could end up having 400 cases going at the same time and that would pull that many cases out of the regular system. And there's an agreement that we would give discovery of the case to the defense attorney, early. So he could get with his client and they could discuss whether they were going to do any motions to suppress. And if they were going to do motions to suppress, then they could go ahead and do those motions to suppress. But if they entered the program they waived their right to do that motion later on. So you've got to make a decision...

[End of Tape 9, Side 1]

Tape 9, Side 2*2004 March 10*

CH: So you were talking about the drug diversion court and how it was set up and Judge Harl Haas— and what was your involvement like?

ROBINSON: Initially I didn't have any involvement in setting up the drug court. That was done by Harl Haas and Mike Schrunk and the public defender. They got their heads together and they probably invited some treatment people in on the initial meetings and they set up criteria as to who could qualify to get in. We were looking at, we were looking for drug addicts not necessarily drug dealers. And once all of that was put in place and a treatment provider, the court contracted with a treatment provider called InAct. And that was a program that had acupuncture as part of their treatment. Random drug analysis also was another major part of their treatment. I became involved in the program after Harl had ran it for about a year and then Jim Hennings was the public defender that worked so well, was so involved in the program. But, after he had done it for about a year— it's a program that's very rewarding but it takes a lot out of you. You have all of these people and you're trying to establish a one-on-one relationship between the drug addict and the court itself. And you can't treat everybody the same, you have to treat them in their individual capacities. So the burnout rate can be very high on that, the high demand placed on a person.

And they started looking around for a judge who they felt would be a good judge to take over that court and step in the shoes of Harl Haas. And all the parties involved, the stakeholders, agreed that I would be a judge that would fit the criteria that they were looking for. So they asked me to take over the drug court and I gladly did so. And I headed it up for approximately eighteen months. And I accepted it with the full responsibility of knowing that it had a solid basis, the way that it was set up. But still it needed to grow and certain concepts had to be expanded. We couldn't just have a static court where we set up something, one, two, three, ten and everything you do is limited to that one through

ten. You had to have other innovative methods of doing. And one of the things I brought to the program was, it is a year's program. You came in the program and agreed to participate and treat for one full year. We have a graduation exercise at the end of the year for the successful completers of the program, and I gave out certificates of completion. And some people would almost have tears in their eyes when they had received that little document. They would say, "I've never completed anything in my life. I've never had anything that said I had joined and successfully completed anything so this is a first for me. It's like a new beginning." And we requested funds and sometimes we'd get to the point where I was paying for some of the materials out of my own pocket. I was that committed to the program.

And on one occasion the defendant wanted to have his drug test retested because he was saying that he thought his testing was flawed and that it shouldn't have showed him as being using. And I made a deal for him. He was saying that he didn't have the money right then to pay for it. I said, "Fine, here's what I'll do. I will pay to have that test redone if you come out clean, you don't owe me anything. It's just a gift. If I pay for it and you come out dirty you'll have to repay me my money." And I think the person did get the retest and I think it did come out dirty again. So he was responsible for paying me for doing that.

Because I had situations where people needed to go to a program in Eastern Oregon, I can't think of the name of the program right now, and they would say, "I'm willing to go but I don't have bus fare. I can't get there."

And I would say, "When are you supposed to leave?"

"I absolutely leave at Monday at five o'clock."

"Don't worry, just go down there Monday at five o'clock and when you get there a ticket will be waiting for you." And I would just reach in my own pocket and pay for the ticket to get the person to the treatment facility.

But one of the most enjoyable aspects of the program was to get your staff sold on the idea of the program. I mean my judicial assistant at one time in her career had been the probation officer in the state of New York and she had worked with drug addicts and pregnant women on drugs and we just put a lot of emphasis on the expectant mother that

if she was going to be in that program she was going to deliver a clean baby. I mean we didn't have any, "if" and "you might fall off the wagon and you might do this," no, no, no. "You will deliver a clean baby. That maybe means we have to give you more random tests, and if we find out that you are using then we need to pull you out of an outpatient program. We will pull you out of that program and put you into an inpatient treatment program. And if a bed is not available in the inpatient program we're just going pull you off the street and put you in jail and let you sit there until a bed opens up because we must have that child born, the fetus as it is born, be clean." And to have the mothers bringing clean babies in the world when they were addicts themselves was just wonderful. They could bring pictures of the baby to the court. They could bring the baby to the court and let the court meet the baby. And I was just so proud of that program because it was just a wonderful program. We didn't have anything in the state of Oregon dealing with addicts who were having children and I enjoyed that, I think, most of all to see those clean babies be born into the world. Then because of the program that we had in Portland the drug court concept started growing other counties. I think Lane County was the next court that started a drug court and then I can't tell you what other court systems followed.

I think the next thing I enjoyed most was, other jurisdictions, like a court in North Carolina, they would send down a group of people. Maybe their prosecutor, their public defender, somebody from the treatment community and whoever else they thought could benefit from coming and they would come to Portland and we would send the public defenders off to meet with our public defender. We would send the prosecutors off to meet with our prosecutor and we'd send the treatment people to meet with our treatment provider. Then when they had those meetings then we could all get together and if they had any questions they could ask me a little question, the judge could, you know watch me have a hearing, they could ask me any questions about why I did this to this person, didn't do this to this person or let this person get away with that and hit this person over the head so hard. And we put all those together and many of the times the people would be so impressed that they would go back home and start a drug treatment program. Because when they got back they had everybody on board. The prosecutor went to the

prosecutor's office and, "I think it's a go." The public defender went back to his own public defender and said, "We got to do this." And the treatment people as always, "We need as many people as we can for treatment. It's going to be a wonderful thing for us to have the power of the judiciary behind us. We tell this person, "You must do this."

And they're dragging their feet saying, "I'm not going to do it, I don't want to do it."

We can send that person to the court and the court then saying, "If you're going to stay in this program you will go in to inpatient treatment." Or, "You will follow your counselor's orders on this issue." And with that backup, it gave the counselors more clout to get people to do what they needed to do. And in that I went to a couple of acupuncture sessions myself.

I am a person who is not that happy with the needles being poked in my body but yet I felt that if I was going to require that of other people; some of them had the same feeling that I did. So I went to a couple of sessions and they put all those needles in my ear [CH laughs]. I sat there and it relaxed me quite a bit while I was sitting there. But it also said to me, this is something that's doable. And then when somebody came to and said, "Judge you know I like the program but that acupuncture thing, I don't want you to stick any needles in my ear." And I can say, "Sir," or "Ma'am, let me tell you, it can be done and it's really not that bad. I have done it myself and I'm not telling you what somebody else said as hearsay or some theory of mine. I personally have gone through a couple of sessions of acupuncture and why don't you try it? And then after trying it if you still got a problem maybe you can go to your doctor and talk to your doctor, and maybe your doctor can give you some information that'd help you be able to do it or give me information to indicate that I shouldn't have you doing it." But mostly close to 100% of the people in our program that did it.

And the next thing was the graduations. It's so wonderful to have the people that had struggled so hard, and especially the meth users who came in skinny as a rail, sores on their face, young mothers with one little girl on each hand. And at the end of the year to see that person not even looking like the person that came into the program. They put weight on, the sores are gone, becoming a better mother for her children. Just to see that

and have other people in the program who was aware of how hard that person was struggling to be successful, to see that success. We'd always give them a certificate and I'd get off the bench and walk down and shake each one of the recipient's hands. And it was a time when we could invite family members to come in and participate in the graduation exercises.

CH: Did you follow any of these cases after, or in any of your other programs, cases of people that you had a particular interest in?

ROBINSON: Well sometimes I did just inadvertently. Like one gentleman was a fairly well known jazz player in the Portland area. He went through the program and successfully completed the program. But when he got married he wanted me to do the marriage ceremony for him and he made it very clear that— we had a nice dinner that there would be no alcoholic beverage served, anything served at the dinner, it was going to be nonalcoholic. And it was, and just seeing that he has remained clean and sober for the years has been interesting. And we had objective people from various colleges to do research for us and they would do a lot of follow-up to see how the people had done and then they would put that in their report. They talked about the success of the program. We got away from, you know, the one-person anecdotal progress report. But actually it was putting together objective research type of work that validated the drug court program. So sometimes when some people were skeptical we then could refer those people to that report. And we got inquiries from even out of the country.

England, China had inquiries about our drug court program. And actually in one of the sessions, Court TV came in and filmed one of the programs, and that was shown nationwide. Only we had to ask the people could we show their faces on camera because a lot of them— not a lot of them but some of their family members or their employer didn't even know that they were participating in a drug treatment program and they didn't want the situation to arise wherein the employer or family member first found out they were in the program when they saw it on Court TV. So basically the ones who didn't want their

faces to be shown we didn't use them in the program at all. We had enough people who were willing to step forward and wanted their faces to be seen so that they could be successful. So it was a very respected court throughout the nation. Anytime we had a national convention they always wanted somebody from the state of Oregon, especially from Portland, to speak on the national program or be on certain panels about how to start the program and how to be successful in the program. And then where you can help, even after I had served my eighteen months and went back to the regular court system, I filled in for the drug court judge. So that kept my hands in it throughout the years. And before I became ill and I was about two years away from retirement I had really planned to go back to the drug court and serve out the rest of my time until I retired in the drug court.

CH: Because it was so rewarding?

ROBINSON: So rewarding, I was going to do that but I became ill and was unable to do that.

CH: Was it at all connected with the STOP program?

ROBINSON: STOP program, that was the name of the program for the court. It was a drug diversion program but we named it STOP.

CH: I see, I see. And Lee Brown was interested in it?

ROBINSON: Yes, he was the drug czar at one time and he actually visited Portland and our drug court and the general that was a drug czar under, I think President Clinton, well he came and visited the Portland program. So we had people that were interested in the program and interested in what Portland was doing so they could share that information with other people. And one gentleman, of which I forget his name now, he had worked Hollywood Broward County in Florida beside the first drug court. He worked with them and

he eventually got a job with the Justice Department, and from that position he knew a lot about the Portland program and worked with us in trying to get the initial funding and things to get the program going. And I've been pleasantly surprised with all the budget cuts. We were constantly under stress because every time a budget cut situation came up that program was one of the programs on the block. "We can't afford this program." So far the drug court concept has survived and it is still progressing in Multnomah County.

CH: But by having the program there were also a lot of savings to the local governments and state government in terms of the costs that would normally have been paid to police in overtime and indigent defense costs and the Department of Community Corrections and avoiding the costs of keeping drug court defendants on a regular probation case load and also, you know, other things. Did they try to factor that in when they were giving you a budget to work with?

ROBINSON: I think they considered that, but generally when you talk to people about that they would sort of say, "Well our budgets are so tight and we're having to cut, we can't do anything about that." It was just like you were completely right. You save the city of Portland a lot of overtime payment to their police officers. We saved the indigent defense fund a lot of money because we'd have one attorney representing a large group of people. We took pressure off the correction division because those people that we had on our program, they didn't have to be supervised by the correction division. They were supervised by the drug STOP program. But we were never able to put together in a meaningful manner something that would say, "We saved you guys \$50,000 last year in overtime. Could you guys find your way where you guys could contribute ten thousand to our treatment facility so that we can put this money in?" We just were not able to pull that together although we were aware of it and we talked about it and we tried. But it was tough. It was tough.

CH: What other programs or activities have you been involved in?

ROBINSON: Just something that's really, I don't consider it necessarily judicial work specifically, but I was doing weddings. I did a lot of weddings. At one time I was doing at least two per day. So I was doing about ten weddings every week and I had my calendar for weddings sometimes would be filled up for a month, a month-and-a-half before anyone could get in. And I could add an additional person in some emergency, some young person was getting married and is going to the armed services and they needed to get married quickly so they could be married when the person left. We just fit that person in. And I did a wedding at the Memorial Coliseum, I think that was before the Rose Quarter was built. But the Trailblazers had a program and the people getting married participated in that program and the one that won, the Trailblazers had the judge ready to do the vows and they contacted me and I agreed to do it. So consequently I went to the game and at halftime some official came up and got me and I walked down to the...

[End of Tape 9, Side 2]

Tape 10, Side 1*2004 March 10*

CH: This is an interview with Judge Roosevelt Robinson at his home in Portland, Oregon. The interviewer for the Oregon Historical Society is Clark Hansen, the date is March 10, 2004 and this is tape ten side one.

I was going through an article that I saw and I'm just trying to think of other people that you had helped and we were talking about the drug court and there was a woman here that was talking about you. Her name was Shirley Sumpter.

ROBINSON: Sumpter, yes I have.

CH: Do you remember that case?

ROBINSON: Yes I do remember that case, where she asked me to be a mentor for her son because her son's father was in the penitentiary. Did you see the *Daily Journal of Commerce's* last article they did on me?

CH: *The Daily Journal of Commerce*, yes.

ROBINSON: Scholarship article. Okay.

CH: And I was going to ask you about that too. Maybe you could tell me some more about the scholarship fund because I know you've just had some activities on that recently.

ROBINSON: Right. We set up basically to try to collect \$50,000 to be our principal before we started out giving any scholarships. In less than three months we had collected 63,000 and we've already given out our first scholarship, Roosevelt Robinson Scholarship. We've already done that so that program is an endowed scholarship program. So the plans are

for it to be there in existence as long as the school is in existence but not one of those one time only we will get together and put a program together and we will come up with one certain amount of money for the scholarship this year; and that's the end of it because we're just doing it for this year. My scholarship fund will be year after year after year in perpetuity.

CH: And is that because they're operating from the interest off the fund?

ROBINSON: Off the fund. The interest off the fund will be enough to hopefully pay for the scholarship award. And right now we've already paid out the first one for \$2,500 and we are still well ahead of our \$50,000 principal. At a minimum we've still got a \$60,000 principal left with money continuously coming in.

CH: Who got the award?...

ROBINSON: Epting.

CH: [Reading news article] "Epting receives first Robinson scholarship." This is on February 27, 2004, and it talks about the things that you were just mentioning and that there was \$60,000 in the fund and then it goes into a little bit of your background as well. So, who are you aiming for in helping at this point?

ROBINSON: A minority law student that's academically sound but financially challenged.
[pause]

CH: Is this somebody that lives nearby, lives locally?

ROBINSON: No the person that received the scholarship actually graduated from one of the colleges in California but, has an interest in practicing environmental law from the

specific aspect of the negative affect that some of the things that we do in our society have on the low income community. For example, if they were going to put in a factory that's going to be polluting the air to a certain extent it appears to be easier to put that factory in a low income community than it is to put it in an upper income community. And the people in the lower income community don't have the means to fight that problem; and this is an area that she wanted to go into.

And Lewis and Clark School at Northwestern School of Law is one of the leading schools in environmental law and that's what drew her to Portland, to Lewis and Clark Law School. The committee looked at her credentials and what she was doing, she was a second year law student, and did well academically in her first year and [the committee] concluded that she would be an ideal candidate for our first recipient of the Roosevelt Robinson Scholarship.

CH: Other things that you've been involved in the community? I know that you have helped to do some mentoring and I think that we've spoken a little bit about some of that, but anything else?

ROBINSON: Nothing really pops up right now because I think as I had been on the bench longer I tried to accept projects that could be closer to within a certain amount of time. I met Shirley Sumpter when I was on the parole board and she came in sometime, just walked into my courtroom and said, "I have a teenage son and his father's in federal prison and I'm just having problems dealing with him and working with him. Would you agree to be a mentor for him?" And I agreed and I told her that what I was willing to do is, I would be a mentor for the young man and worked with him until his dad got out of the penitentiary. His dad was slated to get out of the penitentiary in two years and I didn't want to get into a fight between he and his dad as to who would be trying to guide him in the right directions. So consequently when his dad got out of prison, a very smart man called Paul Williams, he took a strong hand with his son and started giving him the good guidance.

And I tried to give advice to both of them and to him when he was having adjustment problems with his son and we worked those things out.

Then Shirley, the mom, then asked me, “Now that you’ve completed mentoring Paul, I want you to be my mentor.” Then I picked up her and did some mentoring for her. And one of the other things I did, then I started trying to get with her family so I actually did some marriage counseling. One of her daughters and son-in-laws was having some serious marital problems and I set up a time and went and met with them and gave them advice and they are still together now, I think that was about three years ago and they are still together. I can’t guarantee how long it will last, but I was getting into things like that—giving advice to marriage couples, single and the married couples; just trying to help them through some of the concerns that they had.

CH: Speaking of families and kids and whatnot, where are your kids, your children in life now?

ROBINSON: I have two kids. I got married way back in late 1963 to Beverlee, now Beverlee Forman. She’s an ex-wife because we got a divorce in 1970 and to that marriage two kids were born. Steven Robinson, who is a correction officer in the Seattle area. That union, he married and they had one child, so I have one grandchild, Shemeka Robinson. My son is approximately thirty-nine years old or will be thirty-nine this year. My daughter Roxaynn Robinson, who resides in San Bernardino, California has not been married and she’s approximately thirty-seven years old. She’s buying her own home, works for a small city near San Bernardino collecting the money for their waste products and dealing with recycling and things of that nature. She went to college and took accounting, has a degree in accounting but in my illness they have been just very helpful to me. My son takes care of all my financial obligations. That is he pays my rent, newspaper payment, medical payments, everything. I don’t have to do any of that. My daughter tries to come down at least twice per month and take care of me for a weekend so I don’t have to pay the healthcare people for that weekend time.

So they've been just a blessing to me. And certainly my ex-wife has also. She's in charge of making sure that I get the right medication, putting the right amount for each day and calling the pharmacists and the doctors to make sure that we're all on the same page. And she has just been available to help wherever she could. When I first started going for the special treatment program, the synthetic hormones that I'm getting by intravenous means at the hospital, it required four hours per day. I started off doing two days per week. I was doing well enough that they cut it back to one day a week. But initially when I started she took me to all my appointments for it and brought me back and then I was able to get on the TRI-MET lift program for the handicapped so then I don't have to have that burden placed on her also.

CH: So what is the status of your health now?

ROBINSON: The status of it right now is I've been improving. In fact the last couple of weeks in September and early October when I almost died I went into the hospice program to prepare for my death and they started working with me in that direction. And at that time my health just continued to deteriorate until the point that it got to one day where I sat down with a minister and laid out how I wanted the memorial to be taken care of, and so forth with the expectation that I would not be alive the next morning. And the hospice people had taken me off of all of my medication. The only thing I was on was just basically pain medication. But when I woke up that morning I was more alert to the world and my surroundings. I knew where I was and I started thinking, "Well if I'm going to be working so hard on trying to die why don't I take some of that energy and work on trying to live."

And I switched that morning and started working on a program that was geared to help me and that's when my cardiologist put me in contact with this new program and asked me if they accepted me would I be willing to participate in it and I told him, "I certainly would." The doctor examined my reports and called me up and said I was accepted.

CH: What was the new program?

ROBINSON: It's the synthetic hormone program, that are intravenously fed into your system so that you can go in and help the good hormones that you have in your body. I'm suffering from congestive heart failure and it creates the bad hormones and my system is ineffective in fighting them. So they inject these hormones in and the hope is that they would go and join up with my good hormones, the few that I have left, and they would become a defense against the bad hormones. I still have congestive heart failure, I'm a diabetic, my kidneys are going into kidney failure and it was just about time to get out. My kidney doctor had requested that I participate in dialysis and I declined to do that. My kidney has improved, just recently, you asked me how I was doing recently. The kidney function, for some reason is not working as good as it was a few weeks. We take blood every Friday that I go in and the doctors had placed me on a certain medication and just this week they took me off that medication, increased some of the other medications in just the last week or so. Now going into the last two weeks I've been sort of not feeling that well. Stomach upset and so forth and just dealing with that issue.

CH: How was your situation discovered? How did they figure out what you had?

ROBINSON: Well I told them what happened because I walked five miles each morning before I went to work and that's something that I had been doing for about three or four years and my body just felt so much better to go out and do a five-mile walk, and then come home and get ready for work and go to work. I went to work, not tired, but energized. So one day I was just walking, doing my five mile walk and halfway through and all of a sudden I just lost all my energy. I didn't have the energy to take another step. It just drained out— boom! Just like that. It made me think of a little Volkswagen I used to have, liked to drive that little Volkswagen, be running around town. One day I was coming home and it was just running, rat-a-tat, rat-a-tat, rat-a-tat right along and then all of a sudden it just went— oop! Just like that and I took it in. The engine was completely shot. It just ran right up to the last minute. It wasn't like I was just taking off or trying to get it started. I was

probably driving thirty-five or forty miles an hour, just running down the street, no problem and just pop! And then it shut off and that was it. When I took it in the mechanic said, “That engine is totally shot. It’s gone.”

And that was sort of what happened to me. I was just striding along, good stride, build up a little sweat, just going, and boom! All of that was gone. But then I rested awhile and then we walked to the McDonalds, which was the next location where we were making a turn, had my friend’s wife, woke her up, had her come pick us up and then they started running various tests, stress tests and treadmills tests. That’s when they discovered that I had congestive heart failure. And four or five years ago, that was almost an immediate death pronouncement.

Most people who were diagnosed with congestive heart failure had about six months to live and that was it. You lived about that six months and you were gone, but all the progress that they’ve made and all the advances, it’s not necessarily so. You don’t have a long life expectancy but that six months basically max time is not valid now. Because I’ve been going on now for about probably two or three years since they diagnosed me with having congestive heart failure, and still moving on. And as I said, sometimes doing real good and sometimes not. I was telling someone who asked the other day how I was doing I said, “Like a good old Negro song. ‘Sometimes I’m up, sometimes I’m down and sometimes I’m nearly level with the ground’.” [Both laugh] But right now I’m in that period where I’m nearly level with the ground. So that’s where I’ve been for the last couple of weeks, nearly level with the ground [Laughs]

CH: Is there any room for optimism in terms of your getting past this point?

ROBINSON: Yes there is room for optimism as long as I can keep my [pause]—

CH: Kidneys?

ROBINSON: Kidney's functioning appropriately, and my hypertension is a thing of the past now, because my heart doesn't work hard enough to get into a hypertensive stage so a good reading for me 100 over eighty, with my systolic being 100 and diastolic being eighty. I consider that a very good reading because sometimes it reads even lower than that. Sometimes the doctors get concerned when it goes like eighty over sixty. They said, "That's real low. We can tell why you don't have much energy or why you are sluggish and so forth because your heart is just, the engine is just not creating what it needs to do to keep that body going."

But I've been so happy and pleased with what I've done since those dark October days. And the one thing was as I indicated, to get the scholarship program up and running and now being very close to getting the Oregon Historical Society oral history program completed. After completing those two things I don't really have anything on the horizon I can think of right now that I feel that there is a need to complete. But it seems like when I have something where there is that need to complete that it is sort of something that keeps me going to try to achieve that goal. I guess my body and my spirit knows when I've completed certain things and has used up a certain amount of energy to do that and I guess it will be maybe the decision maker of where I go from here.

CH: Well I guess that means that I shouldn't stop then. We should just keep going and going and going and keep you around longer [Both laugh].

CH: When people do look back at your career what are you hoping they're going to remember? And your life, what do you want them to think about when they hear the name Roosevelt Robinson?

ROBINSON: I want them to think about the fact that I was always there with a hand out to try to help disadvantaged people who was open to or wanted my help. I became a judge and I never did want to forget from where I had come and I wanted to have an open door

policy of my door always being open for someone to come in and say, "Judge Robinson, help me." And the desire to come into this world observe everything that was going on....

[End of Tape 10, Side 1]

Tape 10, Side 2

2004 March 10

ROBINSON: ... somewhat a better place than it was when I entered this world and that that change was a positive, that I did what I could to ensure that change. But I'm more interested in my outreach work than I am in the fact that I was a defense attorney, prosecuting attorney, parole board member, district court judge, circuit court judge— it's the people is that I helped along the way.

CH: Is there anything else that you'd like to add to this oral history at this point?

ROBINSON: Not really because I think, with the scholarship established in my name, and now my oral history almost completed, people in the future can read about me and do research and maybe get inspiration from my life that will assist them in getting their life together.

CH: Well thank you and I hope that we'll be able to continue perhaps on some other things later in the future, but thank you.

ROBINSON: Very well and thank you very much.

[Tape Stops and begins again]

CH: As a postscript here, we were just talking about some things after the interview and Judge Robinson you had mentioned that the Supreme Court had affirmed your use of photo radar. Is that correct?

ROBINSON: That is correct. In Multnomah County all of the constitutional attacks against the photo radar program was sent to one judge, and that one judge was myself. And I ruled that the concept of photo radar was constitutional and it did not carry with it all of the

constitutional protections that a criminal charge would carry with it. So consequently the proof was by a preponderance of the evidence and no right to a court appointed attorney, because the only thing that you would get if found guilty, was a fine. You could not go to local jail for the conviction. And just last week, probably the week of third of March the state Supreme Court came down with their decision upholding the constitutionality of photo radar. And I thought it was important to mention that because when I made the initial ruling it went to other judges to make the decision on the guilt or innocence of the individual and when that judge made a guilty finding, then when the decision comes down in the advance sheet it probably will not show anything about my participation in that. It would just go to the person who made the guilty finding so I thought it was important to let folks know that even though I am not overjoyed with the concept of photo radar that my personal opinion does not control when it's a constitutional issue.

CH: Well thank you and I hope that we'll be able to use your oral history and that other people will be able to use it in ways that they can to help make our world a better place.

ROBINSON: Very well. Very well.

[End of Tape 10, Side 2]

[End of Interview]