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The Portland City Club Bulletin

-- HARMONY IN DIVERSITY

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ACTIVE CITIZENSHIP

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Volume 20

PORTLAND, OREGON, APRIL 19, 1940

Number 51

FRIDAY, APRIL 19—12:10 P. M.

PORTLAND HOTEL, GRILLE ROOM

Speaker

MISS KATHARINE F. LENROOT

Chief, Children's Bureau, Washington, D.C.

Topic

"The Child and His Future"

As any connoisseur of commencement addresses is aware, the children of today are the citizens of tomorrow. But behind this apparent truism is a problem as deep as democracy, as wide as humanity and as long as—or longer than—history. We want to know not only that our children will have responsibilities tomorrow, but we want to know what those responsibilities will be, and how well our children will be prepared to meet them.

In a sense, Miss Lenroot's education and career have been dedicated to a study of this problem. Born in 1891, graduated from Superior State Normal and the University of Wisconsin, she plunged into social work soon after graduation and by 1915 had become an assistant in the children's bureau. She was in charge of the bureau's editorial work in 1921 and 1922, became assistant to the chief in the latter year, and in 1934 was elevated to the bureau's headship. Her service in the bureau therefore runs through eight administrations under five presidents, Republican and Democratic.

New Members to be Introduced Today:

JOHN C. F. MERRIFIELD, General Agent, Connecticut Mutual Life Insurance Co.
Sponsored by William E. Lockwood.

C. E. SIKES, Office Manager, Gunderson Brothers. Sponsored by Stuart R. Strong.

Printed in This Issue

JURY PROCEDURE IN MULTNOMAH COUNTY

A Report by the City Club Section on Public Safety to be presented next week

RESERVE SEATS NOW!

RESERVE SEATS NOW!

Fourteenth
Annual City Club Dinner

Speaker

CHRISTOPHER LA FARGE

Author, Artist and Poet

Topic

"Not Poetry But Freedom"

FRIDAY, APRIL 26—7 P. M.

REED COLLEGE COMMONS

Telephone City Club Office—BRoadway 1443—for Reservations

PORTLAND CITY CLUB BULLETINPublished each Friday by the
CITY CLUB OF PORTLAND

"To inform its members and the community in public matters and to arouse in them a realization of the obligations of citizenship."

Hugh A. Scott - Editor
City Club Office - 516 Oregon Building
Telephone - BRoadway 1443

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City Club dues: Residents, age 28 and over, \$12.00 per year; Residents, age 27 and under, \$6.00 per year; Non-Residents, \$5.00 per year.

The regular Friday luncheon meetings are held in the Grill Room of the Portland Hotel.

RED INFLUENCE STRONG IN MEXICO, MANDER SAYS

FRIDAY FLASHES—APRIL 12

Extreme left-wingers in the Mexican government dominate that country's educational system and have made their pressure felt in many other places, according to Linden A. Mander, associate professor of political science at the University of Washington and last Friday's City Club speaker.

"The class warfare idea is embodied in frescoes in the building which houses the government's department of education," Mander said. "In the hallways one reads notices such as 'Finland is the tool of Chamberlain.' The entire attitude of those in charge of the educational system is beyond the liberal tradition of education which has been built up in this country. As a result, Mexican textbooks are full of the 'clenched fist' viewpoint.

"Labor is a strong force in the social picture. There is a workers' university in Mexico City. Labor is one of three elements, the others being agriculture and the army, which control the nation's policies. Labor, swinging to the left, is now dominant; the farmers will remain passive unless they are goaded to act, while the army will have to be reckoned with no matter which of the other two groups holds the power.

"Surprisingly, many Mexicans still resent the 'Texas war' which we waged against them nearly 100 years ago. In our minds, our 'good neighbor' policy of the past 20 years is foremost; but they remember the previous 100 years of exploitation.

"The Mexican 'New Deals' are a challenge to our insistence upon certain standards in our treatment of our neighbors. Many Mexicans, for instance, are afraid of what might happen should the United States return to a conservative administration and re-institute a policy of force.

"In the oil expropriation controversy this government has exercised great restraint. In Mexico, it is said that neither Cardenas nor the oil companies expected the expropriation to develop. The workers had made certain demands which the oil companies said they could not meet; the Mexican department of labor had insisted that the demands be met, and when the companies failed to do so, the problem became one of power between the government and the oil companies, with the government feeling

REPORT OF NOMINATING COMMITTEE

To the Board of Governors,
City Club of Portland:

Your committee appointed to nominate City Club officers for the ensuing year, and governors to succeed those whose terms expire with the close of the year, in accordance with Article VI, Section 1 of the City Club Constitution, submits the following report:

The officers who retire on May 3, 1940, are:

President.....Berkeley Snow
First Vice-Pres.....James P. Forsyth Jr.
Second Vice-Pres.....John N. Adams
Secretary.....Dr. Leon A. Goldsmith
Treasurer.....Frank S. Hecox

Members of the Board of Governors whose terms expire in May, 1940, are:

Randall S. Jones Herbert A. Templeton
James T. Hamilton (appointed to fill vacancy created by resignation of Dr. O. Sisson. The Constitution provides that such appointees shall hold office until the next regular election.)

The following Governors continue in office until the date noted:

C. E. Zollinger.....May, 1941
George F. Mackenzie.....May, 1942
Verne Dusenbery.....May, 1942

Your committee nominates the following men for the offices indicated. Those named have accepted the nomination for the respective offices:

President.....Dr. Raymond B. Walker
First Vice-Pres.....Arthur Cannon
Second Vice-Pres.....T. Howard Groves
Secretary.....C. Herald Campbell
Treasurer.....Eric P. Van

For members of the Board of Governors, one-year term:

James T. Hamilton

For members of the Board of Governors, three-year terms:

Dr. Leon A. Goldsmith Berkeley Snow

Respectfully submitted,

Dr. Carl G. Ashley
A. H. Averill
A. A. Goldsmith
I. C. Plankinton
George F. Mackenzie, Chairman

obliged to assert its authority by taking over the companies. A reconciliation may be possible if and when the Cardenas government goes out.

"If we push a policy of protectionism in Mexico too far, other South American countries are apt to accuse us of insincerity in our good neighbor pronouncements; if we don't go far enough, these countries may take advantage of our leniency.

"The state department has said it is willing to arbitrate the oil dispute, but the Mexican government refuses to do so, stating that its sovereignty is at issue."

JURY PROCEDURE IN MULTNOMAH COUNTY

A Report by the City Club Section on Public Safety

To the Board of Governors,
City Club of Portland:

This is a fact-finding report considering the operation of the jury system in the State Courts of Multnomah County, Oregon. It does not discuss jury trials in the Federal Court. The reason this report is limited to Multnomah county is that the committee does not have the facilities for a state-wide study, and the further reason that there is very little public criticism of the jury system in the state outside of Multnomah county. As a matter of fact, the criticism of the jury system in Multnomah county has materially subsided and it is not now so controversial as it was when this report was authorized.

Your committee believes that a better understanding of the trial jury system will result through a brief review of the constitutional and statutory provisions of this state.

The Present Law

The Constitutions of the United States and of the State of Oregon provide a right of trial by jury in all civil cases.

The Oregon Constitution states that the Legislature shall provide that the more competent of the permanent citizens of the county shall be chosen for jurors. The following provisions appear in the Oregon Code: A person is not competent to act as a juror unless he or she (1) is a citizen of the United States; (2) is and has been an inhabitant of the county in which he or she is returned for the year next preceding the time during which he or she is drawn; (3) is over the age of 21 years; (4) is in possession of his or her natural faculties and of a sound mind; (5) nor is any person competent to act as a juror who has been convicted of any felony or misdemeanor involving moral turpitude. No person shall be summoned as a juror in any circuit court more than once a year.

The law then provides that a person is exempt from duty to act as a juror if he or she is: (1) a judicial officer; (2) any other civil officer of this state or of the United States, whose duties are at the time inconsistent with his or her attendance as a juror; (3) an attorney, a practicing physician, a practicing dentist, or other practitioner. Exemptions also include undertakers, firemen, and a member of the Senate or House of Representatives drawn while attending a session of the Legislature. Any woman is exempt who notifies the County Clerk of her refusal to serve as a juror. The law relating to exemptions from jury duty was amended in 1935 and struck out a number of exemptions previously provided by statute. In addition to those who are exempt, the presiding judge of the Circuit Court may excuse from duty persons who may be called, on account of reasons of health, or death or sickness of a member of the family, persons over the age of 70 years, and other persons when it is shown that service will create a substantial hardship.

Making Up the Jury List

In making up the jury list, names shall be selected "from the latest tax roll and/or registration lists of the County . . ." and "from the different portions of the county in proportion to the number of names of qualified jurors appear-

ing on the assessment roll and registration lists as far as practical." In Multnomah county, the list shall contain not less than 2,000 or more than 5,000 names and in practice now contains about 4,000 names. We are advised that the present practice in Multnomah county is to draw the names only from the registration list. A large percentage of those on the assessment rolls are on the registered voters' list. While the assessment rolls show the names of property owners, they do not have any reference to residence qualifications or to competency or even to the question of whether the prospective juror can read or write or whether or not he is a citizen, whereas a person to be on the registration rolls must have such qualifications. A study of the laws of other states shows a growing tendency to do away with any property qualification, and the choice of juries is being made from the list of registered voters.

Provision is made by law for the appointment of a Jury Commissioner by the Circuit Judges to serve in Multnomah county, whose duty it is to examine each person on the jury panel as to his or her competency and qualification to act as a juror. In the event that he is of the opinion that any person is not qualified or competent, he shall immediately call the matter to the attention of the presiding judge.

Drawing the Jury Panel

After the jury list is made up, slips of paper containing the name, place of residence, and occupation of each person on the list is placed in what is known as a jury box. The next step is the drawing of the jurors who are to serve for the particular term of court. In Multnomah county, the term is for a period of a month. The names of those who are to serve for the particular term are drawn from the jury box, a sufficient number of names being drawn to provide the required jurors for the term. There are approximately 150 jurors for each term of court. After the jurors are drawn for the particular term, they are notified and in the event any juror desires to be excused and there is legitimate reason for it, he makes application to the presiding judge of the Circuit Court. The present tendency is to cut down on the number excused from service. At the beginning of each term, as the jurors report, each juror is questioned as to his competency and is required to execute an affidavit stating his answer to the questions asked. There is no pretense that this is a thorough examination, but merely answers the legal requirements for competency and qualification.

The Jury for a Particular Trial

After the jury panel for the monthly term is prepared, the Jury Commissioner draws the names of a group of jurors (from 18 to 20) for each trial in the various departments of the Circuit Court requiring trial juries. At the beginning of each trial, twelve jurors (in Circuit Court) are drawn from the trial group and take places in the jury box. Then opposing counsel explain briefly the issues of a particular case to the jurors and proceed alternately to examine the jurors. Counsel may challenge any jurors for

(Continued on next page)

JURY REPORT

(Continued from preceding page)

cause (which would include lack of any qualification which would be necessary to the performance of his duties as a juror, or bias), and if the court believes the challenge is well taken, the juror is excused and a new juror takes his place. In addition to the challenges for cause, each side has three peremptory challenges in civil cases, for which no reason need be given, and the jurors so challenged are excused and others take their places. The trial then proceeds before these jurors.

The Problem of Jury Selection

The greatest controversy so far as the jury system is concerned has to do with the question of selection of jurors and the necessity of obtaining better qualified persons to serve on the jury. At the time this study was authorized, there was much controversy in Multnomah county over the necessity for a jury commissioner, and then a criticism that the Jury Commissioner would hand-pick the jurors from the assessment rolls rather than from the registration list. A group of lawyers formed what was called the Blackstone Club, one purpose of which was to look into the matter of jury selection in this county. As a result of the study, the entire jury list selected for the year 1937 was thrown out, and a new jury list was made up. Since that time, however, there has been very little public criticism of jury selection in this county.

Both the Oregon State Bar and the American Bar Association have had committees study the question of jury selection. There is filed with this report a copy of the report of the Oregon State Bar on selection of jurors, made in September, 1937, and the report of the Committee on Trial by Jury of the American Bar Association, which report was adopted at the annual meeting of that organization in July, 1938. In the report of the committee of the American Bar Association, the question is asked:

"What kind of jury do we want? Should it be strictly a cross-section, or should it be selected solely on the basis of ability to understand or decide cases? . . . The jury is more than the decider of cases. It is the balance wheel in the administration of justice . . . it serves to give laymen an insight into the function of the judicial machine, and in this sense is an educational institution. It is a buffer for our courts, protecting them from the full effect of the blasts of possible emotion . . . in such disputes a jury fairly representative of all classes and creeds will be more intelligent. The problem is to find honest jurors with sufficient intelligence to understand the issues presented and yet representative of the community."

We believe that the above quotation gives the key to the question of selection of jurors.

Among lawyers of Multnomah county, there is a sharp difference of opinion on the question of whether or not jurors should be carefully selected or merely drawn from a list of registered voters. The majority of the Committee of the Oregon State Bar, as well as the opinion of the committee chosen by the American Bar Association, is that a method of selection from a list obtained by using a key number, such as the drawing of every twenty-fifth name from a list of registered

voters is preferable to random selection. These committees believe that the examination of those so chosen by a competent jury commissioner would obtain the best qualified list from which a jury panel may be made up.

The Cost of Juries and Who Should Bear It

In the operation of the jury system the bulk of the discussion has revolved about the matter of selection of juries and qualifications for jury service. Little thought has been given to the expense of the jury and who bears it. Except for a limited class of cases, either party may request a jury trial. In civil cases in Oregon the trial fee is \$6.00 without a jury, \$12.00 with a jury, the party requesting the jury having to advance the trial fee. On the other hand, the cost to the County of Multnomah of the jury of twelve persons selected to try a case in the Circuit Court is \$36.00 per day, to say nothing of the fees paid to the jurors who were called but were excused on challenge of counsel. The expense of the trial borne by the taxpayers in Multnomah county approximates \$25,000 per year. In a number of states, including California, the litigants bear the cost of the jury in civil trials. Most of the lawyers who appeared before the committee were opposed to making any change in the law. They felt that as the cost of the courts is borne by the taxpayers, the cost of juries should likewise be borne by the taxpayers. On the other hand, many officials and citizens feel that the litigants should bear the cost of the jury. It was suggested that the county could pay the first day's cost, the litigants the second day, and thereafter alternate between the county and the litigants.

As stated in the beginning, this is a fact-finding report and therefore the committee has not stated any conclusions and is making no specific recommendations.

Respectfully submitted,

G. E. Cannon
Dr. H. H. Foskett
Roscoe Nelson Jr.
Arthur A. Goldsmith, Chairman

Approved for transmission to the Board of Governors on April 10, 1940, by C. E. Rawlinson, chairman of the section on public safety.

Approved by the Board of Governors and ordered printed and submitted to the membership April 15, 1940.

STATE CONFERENCE OF SOCIAL WORK MEETING HERE

Sessions of the Oregon State Conference of Social Work, being held Thursday, Friday and Saturday of this week at the Multnomah hotel, will bring to Portland authorities on many phases of social welfare in which the City Club has been interested. City Club members who will appear on the program include Elmer Goudy, administrator for the State Public Welfare commission and president of the conference; Prof. Charles McKinley of Reed college, who will preside at a discussion of the problems of farmers and migratory workers, and Dr. Lewis Martin of the Portland public schools' research division, who will discuss community needs in children's work.

Featured speakers at conference sessions will be Miss Katherine Lenroot, head of the children's bureau in Washington, D.C., who will address the City Club Friday noon, and David Adie, administrator of the New York state welfare program.