

Robert Liberty Interview

Thursday, 8/13/15

INTERVIEWER: Today is August 13th, 2015, and it is my pleasure to be speaking this afternoon with Robert Liberty. Robert has one of the most extensive resumes in Oregon land use, including serving as a staff attorney, and Executive Director of 1000 Friends of Oregon, as an elected Metro Councilor in the Portland region, and as the Director of the Sustainable Cities Initiative at the University of Oregon, among many other roles. Robert currently directs the Urban Sustainability Accelerator at Portland State University, which assists smaller and midsized cities in the U.S. in implementing their sustainability projects. He holds degrees from the University of Oregon, Oxford University and Harvard Law School. My name is Kevin Pozzi and I'm the Program Manager for the Oregon Planning Forum, which is housed within the College of Urban and Public Affairs here at Portland State University. Robert, we're honored that you would be willing to sit down with us today and we're hoping to gather as much information as we can from the people who were influential in forming and shaping Oregon's land use system as you have over the past few decades. We're aiming to document these stories, anecdotes and experiences of the people who were involved back then, as well as to really get your thoughts on how the system has evolved and where you think it might be headed. So, I encourage you to share anything that you feel is relevant and I'm happy to start. So, as we begin, I was hoping you might be able to touch on your personal and professional relationship with Oregon's land use system?

ROBERT LIBERTY: Well, first of all, I'm flattered to be interviewed.

INTERVIEWER: (Chuckling) Thank you.

ROBERT LIBERTY: I was born and raised in Oregon, although I'm the only one in the family that claim to be born and raised in Oregon, and I think for my parents as immigrants

from the Midwest, which was a very common route after World War II, is to come from the Midwest to the Northwest. They really loved the Northwest and so we did family vacations in Oregon and to a certain extent in Washington. So, I grew up knowing a lot of the state and probably sharing with my parents and siblings, a real love for this place. So it was natural for me to be concerned about it, uh, and that led to my interest and work in the implementation the planning laws, over the last third of a century or more.

INTERVIEWER: (Chuckling) Great. Well, I know you have a couple of different stories and anecdotes that you'd like to share with us. If there's anywhere that you'd like to start, I'd love to hear some of those experiences.

ROBERT LIBERTY: Sure. And I should mention that I had a personal connection with the founders of 1000 Friends, because I was on the board for the Oregon Student Public Interest Research Group. At that time the director was Steve McCarthy and one of the staff attorney's was Henry Richmond.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: So, when Henry had met with Tom McCall to start 1000 Friends of Oregon, and I know you've interviewed him --

INTERVIEWER: Um hmm.

ROBERT LIBERTY: -- because Tom felt that such a difficult law is not going to be implemented just by government, it would require a lot of outside pressure and monitoring. So, I had met them when I was serving -- being active in OSPIRG and I also met Bob Stacey and Dick Benner, who were going to law school at the time. So, that was in 1972. I worked just briefly for part of the year in between -- during the course of my college studies for 1000 Friends in 1979, and then I was -- had this interesting meeting with Henry Richmond in the fall of 1980, as I was

finishing up law school, my last year of law school, and he said, what are your plans? And, I said, I don't know, I have an offer for, you know, this nice up and coming law firm in Portland and so on. And he looked at me and he said, "You don't want to do that!"

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: And I said -- I remember the fall light and everything and I said, "I don't?" He said, "No. You've been involved in public interest activities since you were in high school. You want to come and be a staff attorney at 1000 Friends." And I said, "I do?" And he said, "Yes, you do. That's really what you want to do." And I felt like I was talking to Dr. Mesmer (phonetic), you know, I -- I said, "Uh. Okay." So, instead of becoming a corporate lawyer, I went to work for 1000 Friends. And, uh, the nice thing about that, compared to my counterparts in law school, was about five weeks after I started, Dick Benner and Bob Stacey walked into my office, which was in the -- this -- the deacon (phonetic) building at that time, and I had an office that had a window that looked out into the back at a parking structure. And one of the first things I did, was I came up with some spackle to cover up the cracks and then paint it from pink to -- it was kind of a shell pink and paint it to beige.

INTERVIEWER: Uh huh.

ROBERT LIBERTY: And they came in -- or I came into their office and they said, "We have good news and bad news." I said, "Well, what's the good news?" They said, "The good news is you have your first Court of Appeals case." Well, this is about a month after passing the bar. And I said, "What's the bad news?" They said, "Your brief was due last week." So, you get thrown into the deep end there and I had, you know, friends from law school who weren't allowed to handle an appellate court case until they were in their 40's.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: So, five weeks after passing the bar now I've got a case.
Well, I'm not gonna talk about that case.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: Although it was -- the attorney on the other side, who turned--
later became Supreme Court Chief Justice in Oregon and I won.

INTERVIEWER: (Chuckling) Wow.

ROBERT LIBERTY: And he was representing the phone company.

INTERVIEWER: Oh, yeah.

ROBERT LIBERTY: But the case itself was actually utterly unimportant. Anyway,
one of the things that we did at 1000 Friends, is we had -- we were assigned different topic areas in
different geographies. So, one of the -- I -- I didn't do any work in the Portland metro area there as
a staff attorney and I had counties that were far away from Portland, but I had -- one of my
assignments was Lane County. And Lane County then, as now, had pretty fractious politics,
contrary to the images created by stories that focus in Eugene.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And one of the topic areas was the forest lands goal, Goal 4.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And in the popular thinking by the planning program today is
about protecting farmland, but Oregon's forest land, economically, and probably in terms of its
significance for habitat and water, is far more important than its farmland. About 45 percent of the
state is forested.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: A lot of that is public, but a big chunk of it is private lands.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And at that time, in the early 80's already, that really wasn't clear what that goal meant. But, like the other goals, it's pretty simply written, save forest lands for forest uses, and there was a list of them.

INTERVIEWER: Hmm.

ROBERT LIBERTY: And the clarity of the goals and simplicity of the goals is actually very important in Oregon planning program's success and I say this because I had the luxury of support for about 18 months of effort reviewing all State efforts to curtail sprawl. I did this for a national foundation. And I got to look at all of them. It's an 800 page report, I'd be glad to read it to you on camera.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: We can call that planning assisted suicide.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: Anyway -- and so I actually looked at all these different laws performed and having goals that are very clear and simple, and often have numeric components, that is critical, it's not enough, but it's critical. So, the forest land goal is very simple, conserve forest land for forest use, a list of forest uses. Now one of the uses not on the list is houses. And the chief threat to rural lands in the United States is low density rural residential development.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: You know, the -- the places, as many people have said is, too big to mow and too small to plow. They fragment the landscape, they create demands for services, they're -- they prevent the use of land for productive capacity and they compromise and destroy many of its natural qualities. So, forest lands goal had not gotten much attention. And Lane

County was the number one softwood producing county in the United States. So, what better place to have a discussion about the need to protect forest lands. Now despite the strength of the timber industry in Lane County in Oregon, the timber industry was standing mostly off to one side on the debates of the land use. They were interested in continuing to have their land for production, but some of them would like to have the opportunity to do real estate development. That included Weyerhaeuser in Lane County. They also were very much opposed by the (unintelligible) of government regulation. And they were dealing with -- not very much, but increasing that on the federal lands. So, having this discussion, Lane County had to be, I'm thinking, about what does this actually mean and one of the points was, well -- do you allow houses?

INTERVIEWER: Um hmm.

ROBERT LIBERTY: Do allow the land to be broken into smaller pieces? And in the course of -- of getting introduced to the topic, and I knew Lane County, I met a man named Cliff Lamb (phonetic). Cliff Lamb was a retired elementary school teacher at the time I met him. He had served in the Army in World War II. He had met a woman in Germany, he had married, named Catherine. And Cliff, over time, had amassed several hundred acres of forest land, which he managed, and his experience in Germany, after the war, had gotten him interested in German civil-cultural techniques, which are more -- very advanced for that time. It's not the kind of thing we do now. It's more like farming.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: We're trying to do, you know, think more about environmental and ecological systems. But Cliff had acquired, over time, on a school teacher's salary, several hundred acres of land, and he was very concerned that the fragmentation land,

breaking small pieces, building houses. So, you think, well, what harm does one house do? Well, here's what it does. It increases fire risk.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And it does it both directly, by peoples activities in the land, and even, this is surprising, glass, broken glass on the roads causes a lot of fires. People object to forestry. It's a heavy industry, falling trees nearby, people object, they object to the use of chemicals. When you do that you reduce the amount of land that can actually be productively used for forestry. They often have claims or make claims on water and water supply, and certainly industrial type forestry, will affect your water supply, if you live there. Your roads will create conflicts for logging trucks and the other things that's not much appreciated is putting houses into the forest land makes to the nearby forest land more expensive to acquire, because it's now seen as a residential area. There are also, by the way, a lot of bad ecological effects of invasive species, roads, fires again, created by this fragmentation. So, the -- the basic question was, I remember talking about this with Bob Stacey. He said, well, what's difficulty in interpreting the goal, the reason it doesn't list houses is because they're not forest uses, so they should be prohibited. Now, that sounds simple, but we're now talking about nine million acres of land, where we're going to make an argument that you can't build a house. That is not going to be a popular plan.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: In fact, the -- the fact that there had been repeal campaigns for the planning program in 1976, 1978, 1982, 1998, 2000, 2004, comes down, primarily, to the restriction of the ability to divide and develop land in the rural areas.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And all the other arguments about local control, that's really what it's about, because that is what Americans were accustomed to.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: So, here's this young lawyer, fortunately from Oregon.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: But, looking at a goal that doesn't say anything about houses and thinking, well, this is what the law says. I've been charged to develop the case law and the theory behind this goal and what it means. Well -- so talking to Cliff I learned a lot. Now, one of the things that we had to discuss is, I said, well, Cliff, you live on your property and you do a lot of management. Why couldn't other people do the same? And the answers kind of qualified, which is, well, other people could, but most people don't. And it's not like growing corn or strawberries. Trees do not need day-to-day attention. It's -- by the way, this argument also applies to a lot of farmland. Most farmers in Oregon don't live next to their, I mean, their farms are very big.

INTERVIEWER: Right.

ROBERT LIBERTY: And they're driving between different parts of it. So, the point is he said, you know, if everyone operated -- he never was arrogant or prepossessing, but the answer over time was, well, if everyone was like you Cliff, then it wouldn't be an issue, but almost no one is like you. Most people live in the woods, live in the woods, because they want to live there. They have no interest in forestry. They'd probably object to forestry or at least cutting trees. So, I won't go into the boring details, but basically what it said, the only time you can have a house is when it's actually integral to forestry and that means a level of activity and personal involvement. And then, short of that, the only other time you would -- you could have a house in forest land, is if it's not really forest land.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: Now, Lane County, there's virtually no land that isn't forest land. From the county's perspective it's a very hot political potato and they decided that they would deal with this by creating two categories of forest land, the really good stuff and the inferior stuff. Same argument went across the state about farmland, primary land and secondary land.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: What you learn is that secondary land is land that people want to develop with houses. And primary land is the land that they don't own.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: Right? So, those are the real categories. But Lane County -- I said, having Lane County create these two categories of forest land, when you looked at the land they said wasn't very good, I remember talking about this with Cliff, is it meant the federal definition of prime forest land. That was not very good. Because if you have rubies and sapphires and diamonds, then things like, you know, the lesser quality diamonds and maybe opals and garnets and so on they're not worth anything to you. But on a global scale, the stuff they said was secondary was incredibly productive.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: Plus, once you start carving out little bits and say, well, you can have houses here and not here, you've compromised the whole thing. So, Cliff became the local voice for Goal 4. And he had the credibility because he had been doing it. He could make arguments about living on the land and managing, because he did it, and he could also make -- this with a much a tougher argument, so the people he saw weren't doing it, including his neighbors.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: So, I began collecting research, working with Cliff. Cliff actually collected data for me. Now, what -- what did he do? He cut out all the real estate sales ads for forest land parcels and then you do a simple division and you calculate the price per acre and you chart that against the -- the pieces, saying it's farmland. The smaller the piece, the higher the price per acre. Why? Because those are the pieces people want to build houses on. So, it's a completely different market than people trying to grow trees. Well, Cliff collected this data over time and put it into these tables. This is before Excel spreadsheets. And he helped me do research and put me in touch with people and gradually accumulated the evidence to say, again, I won't go into all the details, but you -- you know, you really shouldn't be dividing up forest land at all, certainly not below 80 or 160 acres, because once it gets small the price goes up, and then people buy it in separate pieces, you can't manage it effectively. And I'm -- I'm using as a person to educate me and to express this idea is a guy who was tree farmer of the year in Lane County.

INTERVIEWER: Ah.

ROBERT LIBERTY: So, I began representing Cliff in legal proceedings in challenges to permits and the idea was to create an interpretation of the goals. Now, this is part of what 1000 Friends did.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And most people knew it was done. And inside our organization we had a list of legal propositions we were trying to establish. And that was a very -- it seemed completely natural to me, because that's how I learned my profession, but, you know, that's a very strategic idea. And so you would look not only for the -- you would look for the factual setting, and I would also try and look for the most favorable policy setting and political

setting. So, I began representing Cliff and over time it was Lamb vs. Lane County, Lamb vs. Lane County. Five.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: And while they -- this is not good administrative practice, but very good political practice is, the agency is -- originally would hear, have a hearings officer, so this has probably been covered, but one of the important things that happened in Oregon was, they said, well, we think it'll take a year or two to implement. That was 12 years. Right?

INTERVIEWER: (Chuckling) Yeah.

ROBERT LIBERTY: We're still implementing. Right? They said, in between though, we don't want people rushing to get permits now. So, we're going to say, in between we get all these plans done, and all the regulations that are based on the plans we're gonna make every single land use decision comply with every single goal that's relevant. That is a huge difference, and it's one of the things that explains the landscape out there to other states, they didn't do that. But it was -- so, during this intermediate period, while they're figuring out what the plans mean, the goals applied to the plans, the plans applied to the decisions, were applying the goals independently. So, that was this huge array of potential legal questions, and what 1000 Friends did, was all during that period it went out and got rulings, mostly good rulings. Now, I'd like to say it's because we were brilliant lawyers, which of course we are.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: But, in fact, I don't think that was the case. I think it was the case that the goals were written properly. So, it didn't -- didn't acquire -- I always say you don't need a law degree. Read it yourself. You know, it's clear. Forest use is forest land for forest uses. Here's the list. You know? You don't need a law degree.

INTERVIEWER: That's pretty simple.

ROBERT LIBERTY: Pretty simple. And that's actually very important to the program's success and when it didn't do that it was much harder to implement. So, anyway, uh, we had all these cases. Now, logically, you would say if the agency that had wrote the goals, you have a decision over here, they ought to be checking to make sure it's what they had in mind. And they did that at first, and then it was an interesting combination of circumstances, I was not at the organization at that time, but people said, well, that takes too long, because now we have to go to this hearings office and then it goes to LCDC. And so why don't we create a body and they just hear those things and it doesn't go LCDC? That's the Land Use Board of Appeals. Right now that does not make sense administratively. Why? Because you have this body over here interpreting what they think it means. They should be able to say what it means.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: Right? The Land Conservation Development Commission. But I think LCDC thought it's too much work doing these cases and the developers thought we don't want to -- this delay, this will be faster, and LUBA was created to be extremely fast. Very unusual that fast and also specialized. But what happened then was Land Use Board of Appeals would look at what the goal said, and say, this is what we think it means. And then LCDC would follow what the Land Use Board of Appeals said. So, in a way, that doesn't make sense, right?

INTERVIEWER: Um hmm.

ROBERT LIBERTY: Which is -- but they wrote it.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: But I think, in another sense, it does make sense, which is, you wrote it, we're interpreting -- we're not making this up, you said it, we're just saying what you

said, which is what courts do. And I think it worked nicely, politically, for them because they'd say, well, I guess that's what we meant. Now they always had the chance to say we're going to -- no, we're going to rewrite the goal, because that's not what we meant. They almost never did that.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: So, it -- what it did is also deflected all that heat away from them to this body that could say, we're not making policy, that's not our job, we're simply interpreting what they said. And then that would go up to the Court of Appeals. So, what happened was, LCDC was following LUBA's interpretations, the Land Use Board of Appeal's interpretations, accepting them as their own. That was a policy call on their part. So, I think that worked out. Everyone seemed happier. And we certainly were happier, because we got a much less political interpretation. Now, why were we worried about a political interpretation? Well, this is part of the story. I was at a hearing, or an LCDC meeting, and Jack Faust was on the commission. Jack Faust was, I think an attorney, but also PR guy, I think that's right, and was a -- worked with Senator Packwood.

INTERVIEWER: We're doing his interview next week, as a matter of fact, so--.

ROBERT LIBERTY: Great. He probably won't remember this.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: He was talking out loud about what the forest land s conservation goal meant. And he said, well, the farmland protection goal, agricultural lands, Goal No. 3, says, we will preserve agricultural lands, but the forest land goal said we will conserve forest lands. And so that's a weaker word. So, it means we don't have to be as protective around houses.

INTERVIEWER: Hmm.

ROBERT LIBERTY: They're synonyms. I asked LCDC member, Anne Squire (phonetic) about that, and she said, what happened was when the goals were written, we were writing them in parallel, although, you know, it's different, the landscape's different, how it's managed was different, but the idea of the land use for production of food, land use for production of fiber, they'll be parallel, but the timber industry came in and said we hate the word "preserve" because preserve sounds like wilderness to me, to us. So, therefore, if you say that you're gonna make us upset, because if you're talking about wilderness preservation, no logging, no forestry. If you're talking about treating it like farmland, that's fine, because we want to use it like farm and forest -- farmland, you know, harvest, plant, cultivate. And, uh, so they changed the word. So, it had nothing to do with weaker or stronger. It had to do with a kind of what it sounded like in this industry's ears. So, I knew that. So, I knew I had a problem. So, right at the birth of this goal really, you have a route you could have followed, in which they said, well, it's weaker. Well, then there's no limit on what's strong or what's weak. So, this was looming in the background. And then we had this effort by Lane County to say, well, there's the really good stuff and this really bad stuff. Now, logically, if you have two sets of forest land, and you think some of it's less productive, it seems like you would be more stringent about protecting the less productive land from the more productive land. Right? Because it's going to be more affected if you start chopping up and putting in roads and houses.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: That -- the whole idea of secondary lands is not about the land, it was about development, low density development, and how to authorize it.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: So, it finally came to a hearing, and I had finally produced a stack of evidence that people don't manage forest land, that cutting it into pieces raises the prices, all the conflicts, some of it from the Department of Forestry in Oregon, a lot of it from other research reports, Cliff's research. Cliff came in to testify. So, the hearing room at the county was packed, standing room only, and there were armed sheriff, one or two in the back. Now, I remember shotguns but that may be my memory.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: There certainly were guns.

INTERVIEWER: Sure.

ROBERT LIBERTY: The chairman was Peter DeFazio, now Congressman. He had then worked for Congressman Weaver, as his local contact in his office. And Jerry Rust (phonetic) was on it and then three more conservative members. So, Cliff got up to testify, and there was a lot of screaming. And there were also people that made little nooses out of string and they were waving the nooses.

INTERVIEWER: Huh. Oh, man.

ROBERT LIBERTY: This was not -- so -- this in Eugene but this was not unusual.

INTERVIEWER: Really?

ROBERT LIBERTY: Things like this happened. Yeah. I got up to testify and, uh, what happened was people started shouting and screaming, and I waited for the chairman, which DeFazio, to ask them to be quiet, and he did. So my -- as far as I can recall, and this is 30 years ago, my testimony was totally inaudible, because there was screaming all the way through.

INTERVIEWER: Really?

ROBERT LIBERTY: Yeah. So --

INTERVIEWER: Shouting or?

ROBERT LIBERTY: Shouting and -- yeah, you know, I was trying to concentrate, but I also knew that I had learned long ago that everything that I needed was in writing and, you know, that leads to other stories about it, you're just going through the motions, anyway. So, it was also -- they must have known about this time, that I'm -- this -- this is the case I won. So I've had these other little ones, they've been good, and I've gotten some from Coos County, I've kind of laid a platform, those are all built in. Just screaming. So, I said, okay, Cliff, let's go. So, as we exit, this man comes up to Cliff and he's beat red and he's -- he's not screaming, because his voice -- he can't carry his voice that much, but he looks apoplectic, and Cliff puts out his hand and says, hi, I'm Cliff Lamb. And this guy grabs it with both hands trying to crush, you know, his bones and tells Cliff he needs to get out of town before night fall if he values his life. And there's other groups of people around there, kind of egging him on.

INTERVIEWER: I hope the sheriff's as well.

ROBERT LIBERTY: No. The sheriff's not there. So, the -- so Cliff says, you're hurting my hand. I think -- I'm thinking, well, Cliff, that's kind of the point, right. So, he pries his hand off and he looks at him, and said, you look very upset. I think you should sit down, you know, this is awfully stressful for you. And he says can someone get him some water. I said, Cliff he just threatened your life. He said, well, I know, but I mean, he's very upset, we don't want anything to happen to him. So, that was Cliff.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: Well, the case went -- the case ended up covering a huge amount. I had to get permission to write -- oh, before that happened. So, I filed a motion of intent to appeal and there was a meeting. The -- uh, I don't know, it might have been Peter DeFazio, and

the planning director came up to me with Henry Richmond. They didn't want me in the room. Well, it's obvious. They -- you know, they want to get Henry to back off.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: Jerry, meanwhile, had had some back channel communications with me and said, can't you be more constructive? Could you help, for example, we need a -- does this internal permit review and appeal process we have, can't you help us make that more efficient? I said, yes. I spent a lot of time writing something up, never -- never heard anything about it. Right. And if they had come to us private -- me, privately, or Henry, and said, we -- look this is politically very difficult for us, can we talk about some kind of compromise? I think we would have been very open to that because litigation's a gamble. And, you know, you could have a pretty good plan, and if they had said, we can do this compromise, but we're gonna have to denounce you as communists and, you know, tell you to go to hell in public, I would have said, fine, fine, you know, that's great. I understand the theater. If you -- you know, I'll stage the whole thing, whatever you want.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: And, you know, and we can be publicly humiliated about the compromise or what -- whatever you want, but they actually never did that. So, there's this meeting and Henry said, Robert, you can't talk. You have to sit in the back.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: It was fine. I -- I -- I didn't like it at the time, but Henry knew what he was doing.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And, uh, so Henry -- they had this exchange and then finally at one point Henry said, what about the evidence that we've accumulated? So, there's a stack on the floor and they brought it out. And Peter turns to the planning director, his name escapes me, and said something like, you know, what's in it? Did we respond to it? So, right there it was obvious that -- that, you know, nothing -- zero. Right. They've never looked at it or -- so, I knew what was gonna happen after that. So, Henry thanked them. And won at the Court of Appeals and it was -- I got permission to file a 100-page brief. There were 13 assignments there. One of them involved -- did a property -- would have been involved a bit of property you can see from the highway that now has development on the foothills in Coburg hills (phonetic), and that was because I ran out of space to litigate that.

INTERVIEWER: Oh.

ROBERT LIBERTY: And the attorney for that later married the Director of the Department of Land Conservation and Development.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: And, uh -- we won't go into the story, he got involved in this proceeding. So, it went to the Supreme Court and then I remember the day that the decision came out and was faxed, and it was very long, and pretty much we cleaned their clocks. So, they said, nope, you know, at a minimum, there's all this evidence, you don't have evidence on your side, you're gonna have to redo this. It ended up going to rule-making, modification of the goal, and so on, but, you know, none of that really would have been the way it worked without Cliff.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And I learned a lot from him. He put his credibility on the line. That night was not the only night he got death threats. He lost a lot of friends.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And so when Tom McCall said, heroes are not statues framed against the red sky, they are people who say this is my community and it's my responsibility to make it better, Cliff Lamb is one of the people I think of.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And he remained engaged until he died. His wife was not always thrilled about the level of commitment this required, Catherine, although she was very nice.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: Always very nice to me, always brought out a plate of German cookies --

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: -- and, uh -- when I visited, but, you know, that was an incredible commitment on his part in a very hostile environment that he stuck with it. And I realize, for him, that the fact that he got to work in this context, that it had a statewide impact, had a lot of meaning for him. But, you know, that's a very rare person. At one point, I think, after I had come -- come back as the executive director, I got to introduce him to a man named Don Still (phonetic) from Marion County, and I said, Cliff, let me introduce you to Don Still of Still vs. Marion County, Still vs. Marion County, Still vs. Marion County, and Still vs. Marion County. I said, Don, this is Cliff Lamb of Lamb vs. Lane County, Lamb vs. Lane -- and so on.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: And then they were counting.

INTERVIEWER: Really?

ROBERT LIBERTY: Yeah. At that point Cliff had one more and I could see the problem.

INTERVIEWER: (Chuckling.

ROBERT LIBERTY: How did that happen? And Don worked on farmland issues. So, that was -- it kind of illustrates this combination of local knowledge, local commitment, courage in the face of a lot of opposition, physical courage in his case, which was not -- there were many other people who made that kind of commitment to the program, a very clear strategic thinking, the opportunity at the -- at the commission level to derail the whole thing, because they had approved the plan with these defects in it. But even with the defects in it, they'd kind of acknowledged this evolution of what it meant. So, we often knew that at the staff level, there was staff at the agency who were hoping we would win. And later on we -- you know, had this confirmed by former Supreme Court Justice and others, that sometimes the agency would depend on us. Now, I'm not sure that's always a healthy relationship, because you don't want -- you want a sense of responsibility, not something that's imposed on you, but in key times and places, I think it was important. So, that's the story about the forest lands goal.

INTERVIEWER: Wow. That -- it sounds like sort of maybe during your time with 1000 Friends, forest land really was a large focus for you or--

ROBERT LIBERTY: Yes. A big chunk. And it was -- that effort took nine years --

INTERVIEWER: Um hmm. Wow.

ROBERT LIBERTY: -- to turn into something. And also into turning it -- so what happened was in '89, a big legislative rewrite of the farm and forest lands (phonetic), but a bunch of that stuff went into it. I wouldn't say it was perfect. It was a compromise. But without that context the compromise would have been a lot weaker.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: So, yeah, and that was 8.7 million acres.

INTERVIEWER: (Chuckling) Well, I know you have a story about Goal 12 and our mutual friend, Miki Blizzard (phonetic), and I was hoping you'd be able to touch on that?

ROBERT LIBERTY: That's right. You've worked with Miki --

INTERVIEWER: Yes.

ROBERT LIBERTY: -- in Carson Blumenauer's office.

INTERVIEWER: Yes. Um hmm.

ROBERT LIBERTY: Well, I -- toward the end of my tenure as a staff attorney at 1000 Friends in '88-'89, I had become the senior staff attorney, had broader responsibilities, but hadn't worked much on urban issues.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And I found out that there's a proposal to build a highway, a limited access highway, through the farmland in Washington County from Interstate 5, north of Wilsonville, and then connecting to the Sunset Highway, Highway 26, out west, with a large piece of that coming into and then outside the urban growth boundary and back in. And just by observation, that when you build access you tend to facilitate development, because that's really what creates the value is access to markets or people and so on. And, plus, of course, you're going to -- I thought that was a bigger impact than the road itself, although that would be significant. Well, I -- I want -- I wanted to learn more about this and I telephoned someone at Metro, because they were the lead agency, and I think it was Andy (unintelligible), but I didn't know him at the time, and I said, well, how do you end up deciding you're going to build a highway? And I -- of course, everyone was building ring routes.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: We're doing a ring route. It's automatic.

INTERVIEWER: Oh.

ROBERT LIBERTY: I've had discussions there with them. And he said, well, it's kind of a supply and demand model, like fluid, and you have these trip origins and trip destinations, you connect it up and you see which is most efficient. I said, well, that sounds pretty logical. And I said, so if you change the destinations and origins, your flow would be different? He said, well, yes, but that's not how the model operates. And I said, but if you -- if you -- you could have a system where you keep changing the land uses until you can have a different transportation system. He said the model doesn't work that way. And I said, but you could make it that way. He said it doesn't work that way.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: And there was a little patronizing tone in there, which is highly motivating for some people.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: So, shortly after that I read an article by John Pucher, who is a professor at Rutgers, and the article had an incredibly dull name and was published in American Planning Association's Journal, it was -- it was called -- well not as dull as some titles I see now.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: It's called Mode Split as an Aspect of Public Policy Choice, I think. And it began very nicely though. It said, Americans say that they drive because they have a love affair with automobile. The automobile is part of our culture.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: But, in fact, when American's go to Europe, they use transit. So, if it's cultural that wouldn't be true. It's a simple thought experiment if it -- that's true. Said, so why don't -- why do they use transit and why don't they drive? So, he went through all the reasons and, I thought, well, that's pretty interesting and one of them was land use. This is old news now but people didn't talk about this then. You drive because you can't get there except by driving or we use zoning to separate things so far that it's not possible, and then your densities that are so low they don't work with transit.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: No one was talking about that, except John. So, I talked to him on the phone about it. I thought, this is pretty interesting, and I went back to the idea of getting the model to kind of work backwards. Meanwhile, though, they were moving ahead with this proposal for the western bypass. And I went to testify before Metro, and I had read the staff report, and I knew that there was possible litigation, so you'd throw everything in it, because if you don't make an argument before the Agency, you can't make it before the Court. And so I talked about all the goals I thought it might violate, and then at the end I said, among other things, you're going to spend a very large amount of money, and it doesn't actually move much traffic, which, by the way, turns out to be a pretty common issue with large transportation projects, they're not very cost effective. So, anyway, the -- there was no counsel present at the time. So, the chair of the Metro Council was Mike Ragsdale (phonetic), a commercial real estate broker from Washington County, and by this time I had picked up the idea that people would make the argument to move the boundary out to the freeway.

INTERVIEWER: Seems logical.

ROBERT LIBERTY: Right. And then there's a whole bunch of new farmland and forest land to develop. And so he's summing up the testimony, getting ready for the vote, and then he finally came to me and responded to some things and said, with regard to those numbers about the traffic volumes, he said, if I believed Mr. Liberty's numbers, I'd have concerns about the project too, but I don't, so I'm going move staff recommendation approval.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: Well, of course, I'm reading from the staff report.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: And when I told the story to Mayor Potter in Portland once, in connection to Columbia River Crossing, he said, did you read the staff reports? Well, there's the problem right there. So, it's quite common, right? Actually people don't read any of that material. So, they approved it and I got permission to challenge it. About that time Keith Bartholomew had come to work at 1000 Friends and this was his first case. I'm getting to Miki Blizzard, but the way.

INTERVIEWER: Umm

ROBERT LIBERTY: And, uh -- so we're working on the brief and, you know, it's also trial by fire for him, and with the Land Use Board of Appeals, there's no extensions on deadlines. It's -- with 1000 Friends grew up working with that, but it's very hard for a lot of attorneys. I mean if you miss it you're finished. It's malpractice by the way. So, we get the thing done. Now, remember this is typing, there's no computer, typing it, photocopying it, 27 copies, you put it in a box, it weighs about 35 pounds. It's 10:30 at night. The temperatures dropped to about 10.

INTERVIEWER: Really?

ROBERT LIBERTY: Yeah. It's in the winter. And I call a cab. It's actually now 11:20. I call a cab. Now the downtown post office is not very far away and it would have been very heavy. We probably could have taken a dolly and walked there if we had gone immediately. But the cab doesn't show up. Remember no cell phones.

INTERVIEWER: Right.

ROBERT LIBERTY: So, we realize they're not coming, because of severe weather, it's icy. And all of a sudden this horrible sinking feeling, which is -- it's now 18 minutes. We can't get to the post office. So, there's going to be a freeway built through farmland, because we can't get a cab.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: Now the bigger answer is why didn't you get the brief done the day before?

INTERVIEWER: I won't ask that. (Chuckling)

ROBERT LIBERTY: Yeah. Good question. And as I got farther on in practice I do that, because I couldn't handle the stress. So, a fellow drives up in a van, and says, you guys look really cold. Is there a problem? We said, yes, we're trying to get to the post office. And I think Keith started to say something about what it was. Well, we don't know what he thinks about this so.

INTERVIEWER: Right. Yeah, yeah, yeah.

ROBERT LIBERTY: He said hop in I'll take you.

INTERVIEWER: Wow. At 11:30 at night?

ROBERT LIBERTY: 11:45.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: And it has to be postmarked by midnight.

INTERVIEWER: Right.

ROBERT LIBERTY: So, we -- he's missing all the lights, because I'm sitting in the front seat next to him with a box on his lap and he's talking to us. And, so we're, you know -- and I'm thinking, oh, my God, we're going miss it by four minutes.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: And, finally I said, we really appreciate you doing this, but it's gonna be meaningless unless we get there now. (Chuckling) So, he took off. We made it. He dropped us off. We got in there. There was three minutes when get there.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: A person opens the door, stamps it, and it was filed. I was sweating. And then we walked outside and we realized we had no way of getting home either --

INTERVIEWER: Oh.

ROBERT LIBERTY: -- but I walked home and I don't know how Keith got home. So, uh, we won, and there was a big uproar over that, because that was a big project. Meanwhile, I had seen enough of what went on, I said, well, that's great, we're gonna win, and either then go to the legislature or they'll roll over us or, you know.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: We need some sort of ground strategy. So, I went to Henry and I said, I'd like to see if we can't do some local organizing around the bypass. He said, no, and I don't know why. I'll always remember that. He said, no, you cannot do that.

INTERVIEWER: Hmm.

ROBERT LIBERTY: I said, hmm? So, meanwhile, the Ponzy's (phonetic), whose vineyard was in the -- one of the potential alignments, and who had been supporters of 1000 Friends, wanted to talk to us a bit. So, I forget exactly, I said, well, can I go meet with the Ponzy's to talk about it, you know. Well, that's fine. Well, then Miki Blizzard (phonetic) came to that meeting.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: And a bunch of other people.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And at that first meeting, at the vineyard, I talked about, a sort of legal question, I said, but behind this there's this analytical framework and, you know, this will be -- we might win this litigation but then that's just the beginning. Little do they know how little of a beginning it would be.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: But, anyway, Miki said, well, what's the strategy? And I said, well, I think the goals and the way they work, reducing over-reliance in any one mode, transportation goal, protecting farmland and forest land, public facilities and services, urban facilities, like a freeway (unintelligible), that's a very strong framework for stopping this. And she said, well, that's great, but don't -- we have to have something positive. This will sound familiar to you. And I said, okay, that's a nice thought, but what's positive is an alternative, and those cost a lot of money and we don't have a lot of money. So, I think, just trying to stop the bad thing, we can hope that something will emerge a good thing. She said that's not good enough. We have to have something positive. Plus you have to respond to people's concerns about traffic. And I thought what a sweet person.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: And how, you know, superior she is in her moral character to me, you know, about being responsive, engaging the people, but this is not practical. I said, those things cost a lot of money. She said, well, I don't know how we're gonna do it, but we have to do that. So, she was right and I was right. It ended up costing \$3 million dollars. And she did all the ground work on it. And I -- and I saw her -- so, by the way, at the time that we challenged this, there was not a single appointed or elected official opposed to that project in the region. And the home builders, Tara Hales, had a press conference to endorse it. And everyone was on board. So, it sounds familiar, well, these projects -- everyone's endorsed it, it was actually on the Portland-Vancouver Metro Area Transportation Plan in 1960, showing a ring routing (phonetic) and that's just what we do. And so Miki's the reason that it's not there. And she did organize and turn out an education and I remember going to a meeting in Hillsboro, and at that time there was a state representative, a very conserved democrat, and he got up and there was a big audience, and there was a portable mic, actually it was not, it was on a cord, and he was talking on and on and on. And you could see people both being swayed and then losing interest. And he went over to point to the graphic showing the alignment, and Miki took the mic, and said, thank you very much representative, now we'll hear some other perspectives. And just cut him off at the knees. And elected officials aren't used to that.

INTERVIEWER: No.

ROBERT LIBERTY: I remember he (unintelligible) looked shocked. Someone came up with the mic instead of him.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: And Miki was great at connecting with large numbers of people, around a very complicated subject, and without that -- meanwhile Keith, not me, Keith was running the Land Use Transportation Air Quality project, which was to get the model to run backward, change the land uses, until you don't have to have the freeway, and that -- this story usually at that point ends, but they build it anyway. It wasn't built. And the alternative that 1000 Friends developed with private foundation money became the alternative that was adopted and actually became the basis for integrated land use and transportation modeling at Metro and then on earth.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: Now the -- the dream that we had at the beginning, which was to have two sets of dials; a land use dial and a transportation dial, and you can turn this and effect this, and turn this and effect that, as a practical matter that does not -- the models don't do that. You actually have to create an input. So, this is way too dull for anyone. But I got to see all this in Metro as a Metro councilor. So, Bob Stacey became an advisory to Governor Roberts. I mean there was an immense amount of political work all over. And there was a technical side and the political side and you needed both to win. And later on, I often showed Miki in presentations, including overseas, in talking about what she did. And someone referred to her as a political organizer, and I said, well, actually no, she'd never done that. And then someone else referred to as a West Hills society matron or something, and I said, no, she was kind of a hippy from Maine.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: And, you know, Cliff and Miki, no prior background, then she becomes to the point where she's advising a member of Congress.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: So, a lot of the reason Oregon is different is people like those people who became very skilled at connecting up policy and politic and technical and they really are two of the unspoken heroes at this program.

INTERVIEWER: Um hmm. You know, and often times I think we hear in today's fractured political climate, that leadership is missing or, you know, we may not have the citizen activist like we used to, I think that's probably just a nostalgic perspective. But I was just wondering if you could talk about, you know, how we had citizen groups and, you know, citizen activists back in the day, and how that might relate to the environment and the climate that we see now?

ROBERT LIBERTY: Yeah. Of course, things have changed over the decades and, uh, but there has never been any golden egg.

INTERVIEWER: No.

ROBERT LIBERTY: There just wasn't.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: So, there was a moment, and we took advantage of it, and now we have a different situation. We'll have to take advantage of it in a different way. But one of the things that happened was that citizens turned out in large volumes to participate in these hearings on the plan, and the local plans and implementation of goals, but one of the things they did was they became very quickly -- very quickly became sophisticated at it and there's a lot of self-taught experts in different fields, we see that, but, you know, it's a particularly complicated and -- for a lot of people it would be dull, if you didn't care about the place. In fact, I remember, about my second year at 1000 Friends they said we'd like you to be on a panel the League of Women Voters is putting together on challenging state agency rules.

INTERVIEWER: Wow.

ROBERT LIBERTY: Only in Oregon. Right? The League of Women Voters, a panel, on how you challenge, legally challenge, rule-making proceedings.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: Actually Mick Gillette, the Court of Appeals Justice, and judge, and later Supreme Court Justice in Oregon, was on this panel, we had -- he kind of spanked me in public at that event, which was totally unexpected. You know, I thought I had said something very anodyne, and he was outraged. Of course, that's his character. But he was -- I always loved having him make the decision in my cases, because usually it was a great outcome. But, anyway, I just thought, this is awfully arcane stuff, and the room was full of women, well, and there was also men, I remember, in that organization, learning this and taking notes. So the League was important and then 1000 Friends fostered the formation of groups like the Friends of Jackson County, the Alliance for Responsible Land Use in Deschutes County, Friends of Washington County and so on. And their job was actually, that they chose, was monitoring, enforcement and some of the politics that goes with it. I don't mean elected politics but just dealing with conflict. And that is very important and all those people became very skilled. Now, they might specialize in one thing or another, but there was a feeling of solidarity and they often worked in the hostile political environment. But it made a huge difference to have people from Jackson County saying, we're not happy with what you're doing, as opposed to, you know, some bearded lawyer from Portland. Right?

INTERVIEWER: Right.

ROBERT LIBERTY: That's a -- actually it scores points for you locally, but not to have local people after you. And often those groups had their own pretty broad spectrum of

political -- range of political views. In fact, I remember Mary Culimon-Curry (phonetic) saying -- talking about two of the farmers that worked with us, I put together a farmers advisory committee, farmers and ranchers advisory committee, and she was talking about one family, she said, I'm not sure they believe in private property. The other one was definitely believed the UN was part of the communist conspiracy.

INTERVIEWER: Oh.

ROBERT LIBERTY: And they worked together.

INTERVIEWER: Really?

ROBERT LIBERTY: I mean quite -- they were enthusiastic partners working with each other. They knew they were politically different, so they -- I think they really enjoyed this feeling of solidarity around this issue, in that case, of farmland protection. But people -- people had less distractions, fewer people in households worked, incomes were relatively higher.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: That's a different setting. People being stressed, moving a lot more, people didn't change jobs, and those are very prosaic things, but I mean that means they're rooted into place, you have economic security, you have the freedom to participate, and this was a novel opportunity, because it hadn't happened before. And people were very concerned about the future of the state. So, that was the right environment.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And all those irritating grains of sand all turned into these pearls of -- of the people and organizations that really were committed to the implementation. And that is very important because that took so long.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And like this -- the story about Goal 12, that turned into a whole rewritten set of rules about the relationship of land use and transportation, came out of that controversy. So, we're doing evolution of the program on the -- on statewide Goal 12, starting in 1989, up through about 1999, so that's -- that is way beyond, you know, the first 10 years. So some of these goals come to life, and I think it's going have natural hazards, come to life when there's a reason to pay attention and to really put meaning into it. And in that sense, I think, the goals, by the way, were very far seeing. And the -- there's been a cottage industry of deriding the program for not adjusting. Well, I didn't bring one of my props, which is a stack of amendments about this big. So, there's been thousands of pages of amendments. The idea that hasn't changed it's just ludicrous. It's a political point. It's not the reality. And adaptive. Not all of that has been improvement but the idea that hasn't is ridiculous. So, I expect that because the goals dealt with such fundamental things they will continue to evolve.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And the idea we would be concerned about energy conservation, about compact growth, now has much greater meaning in an era when people were of climate change. So, the City of Portland's climate change plan has a lot to do with compact growth. So, the goals turned out to be even more effective and broader in some ways than we imagined.

INTERVIEWER: Um hmm. Huh.

ROBERT LIBERTY: And they will all, I think, continue to evolve and adapt. We also think that these -- all these fights we've had over the program has energized a new group of people, they have to rally around this, you know, why is it different here? Now I think during a period of rapid growth we have another group of people who -- and I'm -- I feel like my home town

is better, less provincial, for the new comers coming to it and more diverse. You know, it's not -- Portland in the 50's and 60's was pretty much a white oligarchy town, you know.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And -- but the problem is that people come here and it's different, they don't know why, and we have to continually recruit -- replace the people who tire out or die and -- with new people and to tackle things in new ways. And that's unavoidable. So, I see that as a good thing.

INTERVIEWER: Hmm. You know, and -- on that, uh -- I'm just curious, you were a Metro councilor when the Oregon legislature gave the Portland region the ability to create the urban and rural reserves?

ROBERT LIBERTY: Yes.

INTERVIEWER: Which I think is an interesting novel take on, you know, and is an adjustment, and was just wondering if you wouldn't mind touching on that? If you had thoughts about how that's played out? We don't have to dwell on it too long, but --

ROBERT LIBERTY: (Chuckling) Unlike Metro itself.

INTERVIEWER: No. (Chuckling)

ROBERT LIBERTY: You could dwell on it for decades probably.

INTERVIEWER: (Chuckling) Yes.

ROBERT LIBERTY: Well, as usual, there is a -- there's some good ideas in it and then there's implementation and there's politics.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: So, the idea, which people could agree to, was do we have to have this fight from scratch every five years about where to go or not to go? That part was good.

The part that's a little difficult, that I was very concerned about, was once you go through the process of designating reserves, you're actually gonna change the use of the land almost immediately, and it's now happening.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: So people who buy are not interested in investing in farming and forestry, contrary to what some people assume farmland and forest land is not undeveloped land, actual has a lot of investment in it, and those lands, I think, are gonna get major disinvestment and --

INTERVIEWER: Um hmm.

ROBERT LIBERTY: -- may not receive care. Now some of them are under contract farming, but no one's gonna put in tiles or plant new orchards if they're waiting to develop. So, that prediction, I think, has come true.

INTERVIEWER: Hmm.

ROBERT LIBERTY: A second thing is if you designate too much of it, certainly then you're gonna end up adding more. And I think the tendency also would be that because you have the reserves, you feel less compunction about adding land and (unintelligible).

INTERVIEWER: Um hmm.

ROBERT LIBERTY: Now, I feel like -- I'm hoping that I'm about to be proven wrong on that point, in this first go-round. In fact, it seems likely I'll be proven wrong in this go-round and the urban growth boundary won't be expanded, I mean, this time. We did -- we did a little bit while I was there. I felt that the way in which the reserves were implemented was terrible, a destructive process, not a constructive process. I felt that, it's my view, that the Metro council had a chance to do some really sophisticated combination of policy and politics and we failed

utterly. And that the agenda was set by development interests in Washington County. But looking at the big picture and looking at other places, it's a reasonable outcome, I mean, assuming we get to an outcome.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And the fact that rural reserves, are as large as they are, is great. Personally, I think there's always this fudging. So, there's lands that are off limits for 50 years. There's lands we've planned to develop in 50 years. Then we have these other lands. I don't think we should have that category. It should be tied in with (unintelligible).

INTERVIEWER: That it be (unintelligible)?

ROBERT LIBERTY: Yeah. I just think that's wrong. And it's another area for fudging that -- that always happens. But this -- the good news is the development trends nationally, and certainly in our regions, are now flowing so strongly, they tie (unintelligible) so strongly with what we always hoped and wanted, which creates its own problems, but that it's obvious we don't need the land. And, in fact, most of the land's that been added to the boundary for residential development is not developed. When I was at Metro, I said, it's a little amazing that this happened, I said, where have the houses been built? The data resource center, which was probably just waiting for this kind of question, produced that map, and 90 percent of the house -- they were -- they were almost exactly permits for 100,000 housing units, you know, 99,980 or something.

INTERVIEWER: Oh.

ROBERT LIBERTY: Now that -- there's always some data qualifications about how, you know, we don't know exactly how many parking units that is, but they mapped them in the three counties in Oregon, and 90 percent of all those permits went into the locations inside the boundary. Of the 10 percent outside, six percent went into other boundaries. About three or four

percent went into rural exception areas, which is another subject of mine at 1000 Friends. Those are areas zoned mostly for rural extension development; two, five and ten acres, and then about two or three percent into the farm and forest lands, which is too much. But compared to the rest of the United States it's pretty remarkable. But for the 90,000, you know, inside the boundary, 95 percent of them went into the 1979 boundary.

INTERVIEWER: Really?

ROBERT LIBERTY: Yeah. So, that says two things. The 1979 boundary was too big and I'm sure, talk to Bob, it's obvious its too big, but the interesting thing was the the really large urban growth boundary expansion in Damascus had about 500 permits out of 100,000. And I'm also pretty confident that a number of the other urban growth boundary expansions were for industrial uses and so on weren't actually used for that. So, Metro's gotten a lot better. The (unintelligible) has gotten a lot better in monitoring in what actually is happening, which is why at this point they're saying we don't need it. And it's obvious that the development has been shifted in a pretty fundamental way. Now that is not unique to Oregon, because I get out to a lot of other places, but it's happening here in a much larger scale, much faster, and a much more organized way. So, after 40 years, certainly in this region, I think the program's vindicated, because that development inside the boundary would not be possible in most urban regions, because of the way they discriminate against departments, against affordable housing, again, despite the law against town homes and manufactured homes. And this is an unsung victory of the Oregon planning program, is the removal all these barriers to more affordable market, affordable and subsidized housing. So, the apartments had been distributed all over, and that would not have happened in other metro areas, the apartments would have been prohibited in the suburbs. So, there's -- that's another set of stories, but that is actually a case in which 1000 Friends played a role, but some

individual planners played an important role. And the use of zoning to regulate where low income people can live is pervasive in the United States, it's a form of -- of apartheid -- income apartheid in which government regulation determines where you live. Now people say what are you talking about? I said, well, in big areas zoned for large lot, single family, then you have a little area over here of apartments, next to the railroad tracks, and the manufacturing, and then you put mobile home parks out here. That's what you're doing. In fact, the history of -- in not every state, but in many states, the history of zoning is explicitly based on separating people by class, and it's written into the court cases.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: That, well, we keep the apartments out so that people who live in nice homes the property values aren't diminished. The people in apartments are foreigner, they bring disease. It's sort of like polluting factories. They need to be isolated. I mean it's pretty raw. And that was done away with at a municipal level in Oregon, and that is a remarkable thing that had great social benefits about where your child could go to school and great environmental benefits and almost no one knows about that.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: There's a great article written by Beth Hammond (phonetic) in 2002, showing about how that income and the quality in our region dropped dramatically because of the planning program. We've now got another problem, which is, there's not enough of the neighborhoods people want to live in and so now we're gonna re-segregate by income and therefore by race, again, and this time if you're poor and minority you're going live farther away from the things that the central city has and less access. And your school, you're formerly, you know, middle class suburban school, has now got 40 percent of the kids on free and reduced lunch.

I, by the way, it's obviously, I always think there's - there's a social justice dimension a lot of what was in the program, which has never been credited. And it is criticized by people who don't know it, as saying; well, it's just for white people to protect farmland. That's not true.

INTERVIEWER: Do you think that was intentional back then or that was maybe a positive bi-product?

ROBERT LIBERTY: No, the -- the anti-exclusionary zoning? No, it was very explicit. I mean and that goal is written very clearly. Now there is a moment when it wasn't gonna happen, but it was actually Chris Nelson, who's a very famous exponent of various approaches to planning, and Chris was a contract planner for Durham, a suburb of Portland, and I didn't know that. I gave him an article on this part of the program, which is about abolishing exclusionary zoning to review and the point, you know, the key point was this fight over Durham, and he said, did you know I was a planner of Durham and I was in the meetings in the back room. And so I was astonished. You should interview him. I was -- I said, I'm -- I'm embarrassed that I didn't know that and I'm amazed. And he told me that he told them that LCDC was gonna come down like a ton of bricks --

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: -- and some an apartment zoned land. And I said, really, they were going to do that? I think -- I don't remember our conversation clearly enough, but I think his answer was, no, but that's what I told the planning commission. Because, you know, this is what we were trying to do.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: So, this -- this access to housing all over the region, very important, like in Washington County, big job growth, a lot of apartments. Now you go there, you

don't think these are places of great beauty and there's a lot of social segregation just in these big complexes, but that is -- that's one thing, it's another thing to do that over an entire region, to have giant areas with no housing for renters, which is what happens in the United States. It also meant the densities kind of went up generally and also very important for transit then. So, there were lots of these social environmental benefits out of that one goal, and it's worth some history on that, I think. That's why, off and on, we'd have an alliance with the home builders on some things.

INTERVIEWER: Um hmm. We've got like 20-25 minutes. You're welcome to touch on another anecdote or you could talk about where you think the future of the program might lead in the coming years or decade with the greatest challenges we face. It's kind of up to you.

ROBERT LIBERTY: Okay. Well, let -- let me talk a little bit about the future and then if there's time then I'll retreat to the past.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: So, obviously, one of the issues we have to deal with now and starting in this region, but in others, is going to be -- the program's working at making more efficient use of land and there's a big public reaction against it, and I've seen that in my own neighborhood near Division Street. And, fortunately, there are people around like Doug Klotts (phonetic), who knows exactly what this is about, and is very hard-nosed, about this is a strategy and, you know, you better understand it and you better support it. But I think we're gonna have to do another round of engagement about why this is done. And I get a little tired of --

INTERVIEWER: Um hmm.

ROBERT LIBERTY: -- this idea that the residents are the ones who know should make the decision about what happens in their community. First of all, people are still moving

about once every 11 years. So, I watch these people talk, and I think, well, how long have you been here and how long will you be here? And, secondly, a lot of testimony, well, I don't like this style and I don't like this style. Well, over time, I've decided I like variety and I'm not gonna pick other people's style.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: That said, they're -- usually the program has endured because there are times when there's strategic adjustments and so one of the things that's obvious is that we're building really large houses on these lots and there's a market reason for that. And the reason is that after you build the bathrooms and the kitchen and you have your soft cost for permits and so on, the sale price is determined then by the square footage, primarily, so you're gonna go big.

INTERVIEWER: Right.

ROBERT LIBERTY: But then that really does mean that you've got a neighborhood with really bulky structures in it, which a lot of people don't like. In the past, in Oregon, and certainly in the Portland region, if you're going to want to remove all the barriers to development, because we've wanted compact growth, we can go back to what McCall said, and be a little more choosy about what we want. So, I think, it's possible to adjust and make the market change the form of some of the development. I do think we need to go back and liberalize the zoning yet again. We've done a lot in this region, compared to other places. In -- in the City of Portland every corner lot can be a duplex. Metro adopted a regulation that everyone can have an accessory dwelling unit. And there's not much like that -- nothing like that on a regional scale. You can have manufactured homes on single family lots. But I think the prices are going up so fast in the region, we need to go back, and have a new think session about what can we do that will

accommodate both the concern about the form, but allow more housing. So we have an infill house near us that is very handsome. In fact, when it was being built, the -- the developer very nervously came over to talk to me as the neighbor and I could have made him faint by saying, oh, I'm a land use attorney, used to be at 1000 Friends and now I'm on the Metro council.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: Uh oh. And he showed me the house and said, what do you think, and I said it's a very handsome house and I only have one question for you. What's that? I said, aren't you worried that our house is gonna depress the sale price? Because our house is pretty modest, right? He was so -- he didn't even know it was a joke. He said, no, I don't think so.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: (Chuckling) But -- but what I was gonna say is, I would have been happier if that had been a duplex. It could've been the same size. It could've looked the same. It would be fine with me.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And I think we do need to go back and talk to people and those who say nothing should change, I want it exactly the way it is, pour amber over it. No, they're going to lose. But, I think we could say there's a couple different ways of doing this, are some more acceptable to you and will you support this effort? I think we need to do that.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: The second this is, in the future, we'll -- we'll have the fight we've had for 40 years over rural land development. And we still have way too many houses. Since the program began we have enough houses built in farm and forest zones to be about the sixth largest city in Oregon.

INTERVIEWER: Really?

ROBERT LIBERTY: Yeah. People don't know that. So, it's about -- it's been steady about 1,000 a year.

INTERVIEWER: Really?

ROBERT LIBERTY: I asked some reporters back in the 90's, I said, how many houses do you think are allowed in farm use zones here in Oregon? They said, I don't know, three? I said, 500, and they're not evenly distributed. So, there isn't much call for that in Lake County.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: We can't keep doing that. We can't keep dividing wheat (phonetic). If you want to have farming and forestry, you have to have some stability in the land base and I think we need to grapple with the point where there's gonna be no more. Farms are getting bigger. There's less and less need of labor. There's tractors that go out and cultivate without anyone in the cab. There are harvesters that collect all the data on the harvest, know exactly what inputs to put into the ground the next year. You can -- as a farmer told me in Iowa, or in Michigan a few weeks ago, a thunderstorm comes, he goes and parks under the trees, comes back, turns on his computer, the tractor goes back to the exact same spot it was harvesting. So we don't need more houses for farming or forestry. And the impacts on the national systems as well are very severe. So that's the next challenge, which is at some point we have to say, we're done.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: Now that's a very tough conversation, but if we keep dribbling these houses out, ultimately they're not really -- it's not really farming.

Third. Climate Change. There's been some effort at this, but we never really implemented the national hazards goal. Now one reason, in my opinion, we didn't -- I was a hearings officer for

Multnomah County and at one point a fellow came in and he wanted a -- a variance to allow a house to not be raised above the flood plains in, I think, the Johnson Creek flood plain. And the reason was his client was a woman in a wheelchair. So, I said, well, what are the reasons -- so there's a -- you know, I have to be a judge, here's the criteria, I said, why? He said, well, because it's going to cost more. She's in a wheelchair. I have to build even a bigger ramp or elevator or something and then she won't be able to afford to do it. So, I said -- and there's no one else in the proceeding. I said, are there any other reasons? And he kind of looked, he said, no. I said, okay, well, I won't have a written ruling for a couple weeks but I'll give you advanced notice that your application's going to be denied. He was stunned. And he said, why? And I said, because those aren't the grounds. Grounds are, you know, this extraordinary circumstance, and so on and your property's not usable. Well, I didn't say this, but I was also thinking, I said, so you want to have a woman in a wheelchair in a house below the flood plain level?

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: Right? And he said, this is -- I -- he said, I've never had any denied. And I said, have you done this before? He said, many of times.

INTERVIEWER: Outside of Oregon?

ROBERT LIBERTY: No, no. Here.

INTERVIEWER: Oh.

ROBERT LIBERTY: So, this is typical.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And we're going to have more fires.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: A lot of houses built in the woods. We're gonna have more floods. We have a lot of flash here events. And those things are gonna get -- catch up with us. And, finally, people say, well, gosh, why are we allowing that? Someone made the comment, I said, you know, when the climate change really sinks in to people, there'll be a large group of people who'll say I've never heard anything about it.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: So, that's what will happen. Like, well, no one ever told us that building a house in the woods would be, you know -- risk -- I assumed that people would come in and protect us.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: So, I think we -- we have that but then we're going to have to deal with geologic hazards better, which will be tougher, and I think this is more of a regional thing, I think we need a large earthquake recovery plan, in which we don't rebuild the city.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: This is what -- in the same way, which is what's happened with Katrina. It happens in New England. And a friend, Bob Yarro (phonetic) said you have about six weeks and people are opened to thinking about redeveloping in a different way, and then after that it's we're going show Mother Nature by coming back. So, I think, we need to have a plan for earthquake recovery and tsunami where we don't rebuild the same thing. I think we have a challenge, of course, around providing a supply of housing that allows people to live in a choice of neighborhoods.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And I think that's going to be a big deal in a lot of communities. I don't think we've -- we have not implemented the coordination with a lot of agencies, including property taxes, which could strengthen the program. And then, of course, there's a continuing political challenge, which is a lot of legislators just aren't interested anymore.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And I think that's a really big one and that's difficult. It's one of the -- when the program was getting going it's so high profile and controversial that people cared about it. And a lot of the work that was done on protecting rural lands was from rural legislators, not urban legislators. The urban legislators, oh, yes, I'm all for that. But, you know, they don't actually know what it's about or how tough it is. It was people like Wayne Faubusch (phonetic) and to that note, Tom Troupe (phonetic) and John Kitzhaber, who came from conservative rural districts. So, the good news is the wisdom of a lot of what we've done has become evidence. The bad news is, we have to deal with changing circumstances, including a change in climate.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: Finally, on transportation, I -- I don't think -- the Western Bypass is such a shiny example of a better way of doing things. It's never been replicated. And the Oregon Department of Transportation is, uh -- I am told that its average, compared to other state DOT's or better than average, but I think it's appalling.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: The way we make decisions about public investments and transportation is pretty terrible and I had a lot of experience of that at Metro. And that's another area where we have to have reform.

INTERVIEWER: The Western Bypass is still being discussed. I mean it may not be resurrected, but it's certainly --

ROBERT LIBERTY: It's still being discussed and the -- there are major bad investment decisions that privileged certain areas and -- and people over others without any conversations in equity question for the Columbia River crossing. Why is that commute worth \$3.3 billion dollars in investment and not someone's bus travel? And never discussed -- and that project was so dumb in so many ways, but typical. I mean it reminded me of the Western Bypass in which people don't even look at their own reports. A lot of the criticism at the opponents, including me, certainly had come right out of the reading the reports. And I had people tell me that that was my opinion, included by the way, earthquake safety. I looked -- I went online and found there was a whole report on impacting major earthquakes on Interstate 5 and all the freeways and what would happen. And I mentioned that to someone in Washington State, I said, well, actually the -- the -- the claim that this existing bridge is going to fall down in an earthquake is not supported by ODOT's own study. He said that's your opinion.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: I had a repeal. I said, here's the link, you can go read it, here's the section. Nope. So, there's a lot of faith-based investment decisions and I think -- I'm not confident we'll address them, but I think we should address them. So, there's a nice suite of big issues to keep us busy for another 40 years.

INTERVIEWER: (Chuckling) Well, I -- anything else you'd like to share with us today?

ROBERT LIBERTY: Well, if there's another anecdote --

INTERVIEWER: Yeah.

ROBERT LIBERTY: Well, you -- and maybe this would get cut, but -- how many minutes do I have?

INTERVIEWER: You have about 10 minutes.

ROBERT LIBERTY: I'll try to do two short ones.

INTERVIEWER: Two.

ROBERT LIBERTY: Marguerite Watkins (phonetic) was the Chair of the Land Use Committee in the League of Women Voters at Coos County. Her husband had been career military. They lived in a very modest house. Marguerite, I found out, at the time of her -- of her obituary, had all these sweet grandmotherly things she did, but then she was involved in the American Civil Liberties Union and a bunch of affordable housing work. But, she was the Chair of the Land Use Committee. She was a chain smoker. Kind of a low affect (phonetic) person, a smoker's voice, a devoted doting husband, and I worked with her with a couple things in Coos County on their plan. It was a very politically hostile environment there, very hostile. And she, with Cliff Lamb, she was working on forest lands, so I had a couple, Watkins and League of Women Voters with Coos County. But the other thing their interest was in was citizen involvement. Now we said official -- the analogy (phonetic) was the time for citizen involvement is when you have the plan and regulations adopted, then we implement, why would you involve people who've already made the policy choice? The reality is, a lot of the regulations and plans were pretty ambiguous and they didn't really come to a policy choice.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And you had to do that at permit level. As a hearings officer, I was asked to review a conditional use permit for a pig farm in a rural residential area in Multnomah County. Well, that's just stupid, right? So, if you do this right you make a policy choice, say, well

we don't put pig farms next to houses. So, this is not allowed. But if you're a chicken, well, I don't want to say no to anybody, we'll just put them all in, and let the hearings officer sort it out.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: Which was another story that will never be told, but the attorney representing the pig farmer opponents was a former referee from LUBA, who walked in, he asked for a continuance, because he didn't want to appear before me. And so we -- so I went to the other hearings officer and we arranged that I would hear it anyway.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: Anyway, it would -- but -- but it was stupid for Multnomah County to authorize things that are in conflict. And, when I asked, well, how do you interpret protect natural resources? He said, what do you mean? They said, well, we don't keep track of the decisions. I said, well, there's no precedent, there's no continuity for a citizen coming in; we don't know how you interpret this, it's all ad hoc. So, the reality is, in fact, a lot of policy decisions get kind of shoved down to the permit level, which is why having people involved in them is important. And I'm the one who said, I don't care what people's motivation is, if they make a good argument, I don't care if they're evil, and I don't care if someone doing something bad, has good motivations, but I care about is the outcome. So, there's plenty of people who have mixed motivations, but if they make the system work, then it'll deliver better result. Anyway, that's a digression. So, Marguerite, they knew I was looking for another precedent on forest lands and I went and I had already submitted everything in writing, and they said, Mr. Liberty, do you have anything to say on behalf of your client? And I said, no, I'm fine. So, there was this consternation. Like some trick, right. What's he doing? He's not testifying. They said we're going go into executive session. And I said, excuse me, why? And they said, well, uh, you know, litigation. I

said, you haven't made a decision or perhaps you've already made one and not told us, because otherwise how would you know there'd be litigation. Well, we're going to go into executive decision. And, I said, I don't think you can do that. They said, well, okay, you can come, this does not make sense.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: So, the county commissioners gather in this little room with their staff, with Marguerite and me, and then they try and have a discussion about what we're up to. It was just bizarre.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: Well, I found out later that they had done this to Marguerite, and that they had also abused her, you know, not physically, but said really unpleasant things about her at hearings. And I -- it really makes me mad. I -- say unpleasant things about me, fine, it's part of the job, I go back to Portland, I'm paid, right? Whatever. But this is a woman who's lived in the community, and the fact that they feel entitled to be -- to say ugly things about her, just really made me angry. So, I was not inclined to be charitable. So, we ended up having a case in which it made clear that you show up, you talk, you can appeal. League of Women Voters and Marguerite Watkins vs. Coos County. It's actually a very important part of the planning program, because the enforcement and monitoring burden is shared with and available to all citizens and that is very, very different in Oregon. Another thing that is different is the courts took it very seriously. They never said, well, we will defer to the local government. In fact, people like Mick Gillette said, these are laws. We interpret laws. We don't care what your interpretation is. Now if you want to rewrite it that's fine but this is what it says, this is what it means. And -- to me though is, I thought well, duh, you don't need a law degree for that. But then I look at other courts and they create all

these doctrines about, well, we don't know, conserve prep, that means intensive development, we'll defer to the local government. So this combination of having citizens available to enforce, Land Use Board of Appeals being fast and cheap and open to citizens, not average citizens, but dedicated citizens, and a court that said, eh, we're not going defer, now that's a simplification, made a huge difference about the quality of the decision making. And that turned into an exercise, that effort of the law was actually written based on the experience we had of bringing citizens initiating enforcement proceedings, because LCDC wouldn't do it. So, they had a statute saying when these circumstances exist, LCDC will take enforcement action. Now, they could be really soft in what they do or they could take over permit control. And LCDC did some of those things at times, but I got together a practice of putting all the evidence in front of them and saying here it is, now you have a mandatory due date. And, Dick Benner, who was then Director, turned that into a law to allow citizens to do that and it's been used off and on. So, that's very important in quality control and decision-making, that's really the implementation. I'll conclude with the origin of this in Washington County. I went out to meet with people who were very concerned about Washington County's authorization of houses and land divisions on farm and forest land. Washington County always said we're not nearly as bad as other counties. You know what? That's true.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: They weren't. They weren't as bad. They weren't as bad as Coos County and Clackamas County, but they weren't perfect.

INTERVIEWER: Um hmm.

ROBERT LIBERTY: And so these people said, we want to know what we can do about this. So, I had this idea that we'll make LCDC do an enforcement proceeding. And we had to meet in this elementary school and therefore we couldn't exclude people, I was told.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: And we're in these chairs, you know, where my knee is up to my chin, you know --

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: -- and was getting kind of a backache. And there's three farmers sitting in the back, who had come in, they don't say anything and they sit there like this.

INTERVIEWER: (Chuckling)

ROBERT LIBERTY: And I thought, I'm not gonna hide what we do, but I'm gonna be careful about what I say. So, I -- I said this is my idea, LCDC has this obligation, once they've given any evidence, so we will give them the evidence and then they will be obligated to act, and -- but it's gonna be a lot of work and you people need to be the front people. You know, you've told me there's a problem, I'll do the research, but I need you to be the people asking for it. They said, fine. So I said okay, we'll get started on this. I went out to my car and one of the farmers came out, he was a short guy with a flat top, and looked at me and he said, Go get 'em. It was Don Logan (phonetic). Dave VanNash (phonetic) was there and I forget who the third one was, all hardcore, you know, farmers, tree farmers, they were great and they were in the Farm Bureau, they ended up, until recently, controlling the, you know, Farm Bureau Policy. And, uh, I never forgot that, because it was such a shock, you know, we have our stereotypes and here's this guy and he's all for it. Very hardcore. I had -- probably at the time that something happened in Baker County. So, the people in Baker County, also concerned about what the county was doing to authorize development in farm and ranch zones, they said, why don't you come out and meet us and we'll host a little -- we'll have a potluck dinner and [audio file ends, 01:24:46.29] you can come talk about this. So, okay—this was always the great part of the 1000 Friends, is going to all these places

and meeting people and—in beautiful places, and people were really concerned. So we're meeting in this pretty nice house, built in a rural farmer city—well, it's like a city halfway—with a view of the mountains, it's late fall, there's [...] and this rancher comes in. And he's got these fairly dirty clothes, and—all the people there could be from some type of tony suburb for the most part; they had moved there—and his hat's all kind of curled up and everything. And it turns out that I had met him on the phone; I'd been helping, advising him on cases; his name was Roy Hearn. No one was sitting near him, so he sat kind of by himself. And I said, Well, I can give you some general ideas, but if you want details, this is complicated stuff. We're going to be talking about the regulatory system and the review process... “No, no no! That's what we want!” Okay, so this is Friday night, surely you have better things to do—and they said No, no, you're the entertainment, you've come from Portland, we want to do it. So we start talking through the process, and then Roy interrupts me and says, “Well, Robert, excuse me, but that's not right. What you described—it's only a de novo proceeding in these circumstances. Otherwise, it's on the record.” This is a kind of technical point about wanting to introduce the evidence or not. And everyone turned and looked at him like a chair had spoken. And I said, “Thank you, Roy; I stand corrected. Roy would know. He's done this many times.” So on the way out, someone said—well, I'm not going to repeat this, but they said some unpleasant things about him. One of them was that he was a cattle rustler. I said, Look, I only know Roy from this work, but I can tell you he's incredibly dedicated, he's learned this—as you can see, he's correcting me—and he's making a difference in your county. So you might think about what this is, what he means to your county. A few months later, he had always—we would often take cases from corporate attorneys because he would often lose. He'd do a good job, but, you know, they'd pluck only county commissioners who'd approve. And he called me really excited and I said, What is it, Roy, what is it? And he said, “I won. I won [?]. So there's no

appeal.” I said, “That is fantastic!” I was just thrilled! And he said, “Yeah, I kind of overdid the celebration. I got pretty drunk and I fell in a ditch. [laughing] And the sheriff came by, and he put me in jail; he wasn’t arresting me but it was cold, so he was giving me a warm place.” So I said, “Okay, Roy, congratulations. Next time, tone down the celebration a little.” Anyway, that was a lot of my career, working with people like that; that’s why I have such fond memories of it.

INTERVIEWER: That might be a fun note to end on there.

ROBERT LIBERTY: You bet!

INTERVIEWER: We’ve been speaking today with Robert Liberty, former director of 1000 Friends of Oregon, Metro councillor, and all-around land use extraordinaire. Robert, it’s been a pleasure, and I appreciate you joining me today.

ROBERT LIBERTY: Thank you for doing this work, and I hope that it is useful for the next forty years.

INTERVIEWER: Thank you.