

**Tape 2, Side 1**

**Interview of 4-15-94**

JUDGE JOHNSON: On the 26th of September, I was appointed the assistant to the U.S. Attorney of Tacoma and so I then had my offices down in the Federal Building which was then the old post office building on 11th and A Street and it was during the prohibition and so during that time, I tried pretty close to 300 jury cases in a year which was exceptional because you have to remember that most of cases or a lot of the cases I tried were under the National Prohibition Act which provided misdemeanor penalties for sale or possession of intoxicating liquor having a volume of one percent. I also tried of course the other cases down there and that included, conspiracy cases involving the sheriff of Chehalis and also tried the sheriff down at Grays Harbor for violation of the National Prohibition Act. And that they were permitting or they had conspired with others to permit them to transport liquor and so forth, in Lewis County where Chehalis is and also in Grays Harbor County.

In October of the next year in 1927, I was approached by one of the Superior Court Judges of Pierce County and asked if I would accept an appointment by four Superior Court Judges as the acting Prosecuting Attorney of Pierce County. The prosecuting attorney of Pierce County that was elected was a fellow by the name of John Sorley. J.Sorley was a Republican and the County Commissioners were Democrats and John Sorley had tuberculosis and had to move to California as a matter of fact, but he would not resign because he did not want the Democratic Commissioners to appoint a prosecuting attorney. Under the law of the state of Washington, if the prosecuting attorney does not fulfill his duties, the Superior Court Judges can appoint an acting prosecuting attorney. So they asked me if I would accept that position and I did and I went up to the courthouse then as the acting prosecuting attorney of Pierce County.

We had in the office then, I had one civil deputy and eight criminal deputies. And so I did all of the work as prosecuting attorney of this county. We tried all kinds of cases of course. I tried the cases involving the murder cases and that sort of thing. I had a deputy by the name of Hilton Gardner who was a very good lawyer, a young man, in fact all of the fellows I had in my office with the exception of two were young lawyers. They used to call my office, Johnson's Law School. But at any rate, we were very successful in our prosecutions and I served as the acting prosecuting attorney of this county until 1930 and had to run then in 1930, so I ran for prosecuting attorney in 1930, was elected and took office in 1931. Then I served as the prosecutor from 1931 through January of 1935. We tried during that time some really difficult cases. We had quite good success and I think that in all of the years I was in the prosecutors office we only had two reversals in the Supreme Court. All of the rest of the cases that we tried were affirmed which I thought was quite good so far as the office was concerned.

Course again during that time, this was during prohibition you have to remember. Prohibition was there until 1931, so we also tried a lot of cases under the National Prohibition Act. We tried arson cases, we tried murder cases, we tried manslaughter cases, we tried theft cases, we tried burglaries and all of that sort of thing. Then in 1934, I ran again and that was a Democratic year if you know when Roosevelt was elected and so forth, a fellow by the name of Harry Johnston ran against me. He was a Democrat and I was a Republican, and he beat me by about 700 votes in the county, but the truth of the matter is that it was the best thing that ever happened to me because it got me out of the political arena and back into private practice. And so I went back into private practice and we were in private practice then from 1935 until May of 1951 when I was appointed judge of the superior court in May of 1951. Now I had one case that was rather interesting when I was a prosecutor. A fellow by the name of George Spencer who was a rough guy. He had been in a considerable amount of trouble. We had some information that he had

killed a fellow in a car. We had very little proof about it as a matter of fact, so I went to George or had him brought to my office and said, "George look, if you plead guilty to manslaughter, I'll dismiss the murder charge, but if you won't plead guilty to manslaughter and I convict you of the murder charge, then I'm going to habitual you."

JOHN: What's that mean?

JUDGE JOHNSON: Under the law then we had what we called the habitual criminal act and if you were convicted three times of the felony, prosecutor could file an habitual criminal charge against you and if the jury found that there were three legitimate charges of a felony that this man was convicted of they'd find him guilty of being an habitual criminal, and the court would sentence him to life. It's something like what they call now three-times-you're-out and that was what we called an habitual criminal act and I think it was a lot better system than the three-times-your-out, because the prosecutor could then pretty well choose who he would charge and he wasn't going to charge anybody that it would have been an injustice to send him to prison for life.

I was over at the penitentiary once shortly after that and I saw George Spencer and he wanted to see me as a matter of fact and he said, "I don't like you," and I said, "Well, I understand that George." But he said, "By gosh you sure keep your word." And he was quite a character.

JOHN: So did he get the habitual criminal -- did you prosecute him?

JUDGE JOHNSON: Yep, I prosecuted him -- he as an habitual criminal, he was convicted and he was sentenced to life. I don't know how long he served. They probably paroled him some time after that but then, I've forgotten really and truly.

The position of prosecutor is really a very important position so long as the criminal system is concerned. He has to be able to try cases or at least he has to have an office that can try difficult cases and get convictions. One of the cases we tried when I was a prosecutor, we made some new law in this state. And that was the case where a fellow had built a blind by cutting with a knife willow switches around and built a blind and then he kidnapped a gal and took her in there and raped her. And we were able to, for the first time in this state at any rate, take that knife and cut switches with that knife and show that the switches that we cut with the knife were absolutely the same as the switches that they found in the blind that he had built. It was one of those things which was a little difficult to prove and we proved it and we had a conviction. There's a lot of particular cases I could tell you about, but that's not particularly necessary.

JOHN: Did you feel pretty elated when you won that conviction then?

JUDGE JOHNSON: We were pleased always when we got convictions.

JOHN: Especially something more difficult like that though.

JUDGE JOHNSON: When they were more difficult like that, of course you were and you were rather happy when you made some new laws like there because that case went to the Supreme Court and the Supreme Court upheld (Judge Hodge was the Judge in that case) Judge Hodge's ruling that we could show that the characteristics of a blade of a knife would be sent very similarly to handwriting for instance, characteristics or fingerprint characteristics and so forth.

## Interview with Judge Bertil Johnson

JOHN: Ok, so do you want to talk about what the juvenile court system was like before there was a juvenile court system?

JUDGE JOHNSON: All right, I went on the bench in 1951 and at that time there were five judges and I was number five and none of them wanted to preside over the juvenile court full time.

JOHN: Excuse me, what was before the juvenile court. Has there always been a juvenile court?

JUDGE JOHNSON: Oh yeah, there has always been a juvenile court ever since... the Juvenile Court Act was enacted in 1901 I think it was in this state and the Juvenile Court Act was designed to try youngsters or to have hearings involving youngsters and to work out was for the best interest of the youngster regardless of the crime that he may have committed or whether he was what we call a dependent child as a child that had been abused at home or a child that had run away from home and so on and so forth. And the judge had a very wide leeway to use any resource he had to try to take care of that youngster and to take care of that youngster 's problem. Well, when I went on to the bench, the judges were rotating. The juvenile court has it between them because the juvenile court judge of the State of Washington is a superior court judge. And he does that in connection with his other duties. And so when I got on the bench having been as closely associated as I was with Judge Remann because Judge Remann had presided over the juvenile court in this county for I think about twenty years or twenty two years and he died in 1949, you see, and I was appointed in 1951.

Judges had rotated that thing every three months. Well, you can't learn anything about juvenile court in three months really and truly. You can't learn much about anything how

to deal with youngsters, you can't learn anything really fundamental about juvenile court at that time, so I made an objection that it wasn't right or fair with these youngsters that you were changing judges on them all of the time. That there ought to be a judge that would take it over for at least two years at a time. And the other judges (there were four other judges) said, well you're so smart, you take it over. So I took it over and I had it for over fifteen years.

In those days, we had juvenile court held only on Tuesdays and Fridays. The rest of the week, Monday, Wednesday and Thursday, I was in the courthouse downtown, but I would go up to juvenile court in the morning either Tuesday or Friday, generally speaking, and I would usually get there around 8:30 in the morning. We did not try youngsters in the sense that you try somebody who has committed a crime. The judge sat at a table just like you and I are sitting at a table; the youngster sat across the table from him and the judge talked to him and inquired of him and the probation officers who had made the investigation in the case or the police officer that had arrested the officer would come in and tell the story about what had happened and about what the youngster had done and so on and so forth.

The probation officer would then give the court background of the youngster and make some suggestion of what might be done with him. So we were trying in the juvenile court to do what was best for the youngster. We always took into account whether he was remorseful or not. We took into account whether or not we believed he was going to change his ways if he had committed a crime and was going to (tape skip)

We also had a representative from the Tacoma School District and a representative from the Pierce County Schools who attended those hearings.

If there was a youngster who was in school or who should have been in school, or should have been in school, one or the other, and that representative would then try to see what arrangements could be made to put that youngster back into school and where he would go to school and so on and so forth.

So it was really a cooperative job so far as the probations officers were concerned, so far as the police were concerned, so far as the school was concerned, and in addition to that, you had social agencies who made provisions for the care of youngsters particularly those that were abandoned or those who had been abused and so forth like the Catholic Children's Charities for instance. And ... (material skipped)

... that were here in Tacoma and then Seattle. So while I was head of the juvenile court at any rate and I always spent at least a half an hour with the youngster to talk to him, to try and find out what would be best for him.

And the juvenile court, as I already suggested, we also handled youngsters who had run away from home, youngsters who had been abused at home, youngsters who had been deserted and so forth. And we call them dependent children. And when we had those children, the Welfare Department -- the department of Social and Health Services of the State of Washington would generally be present at the hearing to see what could be done so far as the care of that youngster -- in a foster home or in some other place.

I had one thing that, during the time that I was there, that shook me up. I had a little ten year old youngster sitting across the table from me who had either run away from home or he was a dependent youngster at any rate. I don't remember if he had run away from home or had been abused at home or what and I had said to him, "Son, there are a lot of things I can do as far as you're concerned and I'm trying to find out what would be the

best thing for you. I could do this or that or something else and he looked at me square in the eye and said, "who do you think you are, God?" And John, nothing has scared me so much as that particular thing. I'd never realized until that time that actually I was. I was providing the future for that youngster. And as far as people whose liberty I was taking in the criminal court for instance, I was acting as God by deciding what they were going to be. When you stop to think about it, that youngster really brought me up. It really amazed me. I can tell you after that, I never ever entered the courthouse or did I ever go up the steps at the juvenile court (without praying) just a little bit to ask God to help me to do the right thing so far as these youngsters and so far as my work was concerned.

Now, I presided for fifteen years, and one day I thought I was entitled to be relieved and during that time we did some things I think that was i for the welfare of the public and the welfare of youngsters, for instance, all of the youngsters who were under 18 who received traffic tickets would have to appear in juvenile court.

It took a lot more time than it should have, so I got permission from the commissioners to appoint a court commissioner to listen to those traffic cases. And then we started a juvenile attitude school. It was really a traffic school so that generally speaking the commissioner would assign a youngster who had gotten a ticket for speeding or parking or whatever it may have been to the traffic school. He went four nights a month on Monday night. The first night we had the youngsters re-take the state examination for drivers and we talked about driving. The second night, the sheriffs, police, and state patrol came and talked to these youngsters and they covered a lot of things including insurance, and including the necessity of having insurance and including their conduct and why they get tickets and the necessity and so on and so forth. The third night we were very fortunate to have the opticians in the City of Tacoma give us at least two or three optometrist who would come up there and examine their eyes. We would have an eye



examination and John, the amazing thing we found was about one third of the youngsters who were driving automobiles had a sight defect. In fact we had one boy that I remember very distinctly who was color blind. He couldn't tell red from green from anything else or any other color. So what we used to do when they found there was a defect, we picked up the drivers license and make them go to a doctor -- either an optometrist or an ophthalmologist or optician and have that corrected whatever it may have been. So when it was corrected, why then they could come back and get their driver's license. Then the fourth session (last session) would be showing pictures, gruesome pictures of wrecks with blood and guts and all of that sort of thing and that would scare the dickens out of some of those kids and that was a good thing and then we had... I had them write an evaluation of the course -- what they thought about the course. It was pretty good. John, you'd be amazed. Half of the response we got when they wrote out the explanations -- half of the notes we couldn't hardly read. They couldn't spell a word with more than one syllable. Remember, these were sixteen year olds and seventeen year olds. It was terrible, but they couldn't spell, they couldn't write or do anything expressing themselves in writing. Probably about half of them did pretty well.

I used to take these things to the superintendent of schools. Dr. J. Drummings (?) was the superintendent of the City of Tacoma at that time and I said, Dr. J. Drummings, what in the world are you teaching these kids? Here they are tenth, eleventh and twelfth grades and they can't even write. They can't express themselves. Somewhere along the line, there is something wrong. And I never could ever get him to do anything at all about it and as you know, our educational system is going downhill and we're not really getting what we really should be getting out of these youngsters when they're in grammar school - - right at the beginning.

JOHN: Do you have any opinions how the situation could be improved as far as school? Because I see schooling as a major cause of problems. Right now working at Truman, I see a lack of discipline in students and the way that kids are pushed through no matter whether they're flunking classes or not to the next level.

JUDGE JOHNSON: I usually have a lot of trouble with the schools because I would have youngsters who were seniors who couldn't express themselves; who couldn't spell, who couldn't read and they had just been passed from grade to grade because they didn't want to flunk them and they didn't want to keep them in class for another year. And again, I used to go to the school superintendent and say, "Look, this is foolish. You ought to do something about it." But they had a fellow by the name of Dr. Borkness (?) here in Tacoma at that time who was one of these Ph.d.s who I didn't think knew anything, but any rate, he would say, "Well look, you've got to keep them in the same age group. You can't hold them back a year because then they'd be in an all together different age group."

Well then I would say to him, "What do you do to encourage them to study? If they can't learn the first year, they ought to go the second year to learn." But that was a time when it was starting where it was so important to keep all of the same age group, and believe me, it didn't help education one single bit. I knew some teachers. In fact, I had a sister who was a teacher in one of the elementary schools and she would not want to pass some youngsters because they hadn't done their work and low and behold, the parents would go down and complain at the superintendent's office and they'd tell her, "Look, you have to pass them." And that was just stupid. But that's what they did. I don't know what they're doing now because I'm not close enough to the schools but that was to me one of the beginnings of the lack of educating. We don't have any discipline in the schools anymore, John.

Discipline is very important in the schools, just like discipline is very important at home. And when I say discipline, don't misunderstand me. I mean correction. One time I had a youngster before me and his father and mother were there, and I said, "Well, one of the problems with this youngster is that he doesn't have any discipline." And the father says, "By God, he better do what you tell him to do, or I'll knock the hell out of him."

I don't use the word discipline anymore because that taught me what I should have said was correction, not discipline. But we need correction. We were so intent on rights of people and rights of youngsters that we were hurting them all of the time. Now, there was a change in the juvenile court system. When Warren was the chief justice of the U.S. Supreme Court, he went crazy on this business of personal rights.

[...Interruption]

JUDGE JOHNSON: ...I talked about Earl Warren. Earl Warren and the Supreme Court at that time went way out on a limb on a lot of this thing of individual liberties. They decided some cases that they went to the extent that they changed the law almost completely on some things. For instance, they decided a case called the Miranda decision. The Miranda decision (made it so that) before a Police officer could talk to somebody who has committed a crime, and who they'd arrested for that crime has to say certain things to him. He has to say, "Now look, you don't have to talk to me. Anything you say may be used against you..." and so on and so on and so on. And that has completely changed the situation from what it was before. They didn't have to go that far. Even if they went that far if by chance the police officer should have forgotten one of the things that he should have told them, you know, the whole confession is gone. It was really quite a change from what it had been and I'm not really sure if it was the right thing to do.

They also decided some cases involving juvenile court. One case they decided provided for instance that the youngsters under the age of 18 through the juvenile court were entitled to the same rights as adults. So the law has changed. Instead of youngsters appearing before a judge, now he appears before a judge with a lawyer. He is entitled to have a lawyer appointed to represent him, so every case now in the juvenile court they have to try. Well, that doesn't help the situation really and truly. When you get a ten, eleven, twelve year old youngsters saying, "I want to see my mouthpiece," it doesn't sit very well, at least when he's with me. At any rate, Mr. Justice Fortis (?) wrote the opinion on that case, and I don't think that he'd ever been in a juvenile court in his life because they went way out on a limb when they say that every juvenile was entitled to the same rights as an adult and that they had to be given the Miranda warnings and they had to be given this, that and the other thing which trickled away the informality of the juvenile court and took away opportunity to do what was for the best interest for them.

The legislature for the State of Washington in 1977 changed primarily because of the actions of the Supreme Court of the U.S. but at least they changed the set up so that the judge now cannot do what he feels is for the best interest of the youngster. He has to follow guides to sentencing -- what they call, guides to sentencing. And a youngster has to be convicted now. Juvenile is truly criminal court now. It's not a juvenile court. Now the sentencing, and that's what it is... he has to commit three or four felonies before they can send him away to a state institution for instance. They don't have any opportunity to do what's for the best interest of the youngster. The prosecution is represented by a prosecuting attorney, just like in a criminal court. So now, it takes the time of one judge all of the time and the time of a commissioner to take care of the cases in Pierce County where I used to do it on just Tuesdays and Fridays. It used to be that the police officer for instance could pick up a youngster who had run away from home and could hold him and send him up to Remann Hall. Now, under the law if they pick up a runaway boy, they

have to bring him back home. What the hell good does it do to send him home 'cause he's just run away from home? And they're not using very good sense.

What the last legislature has done -- I don't know because I haven't seen the legislation -- but they talk entirely about stiffer sentences and all of that sort of thing. Stiffer sentences? Is it actually going to stop the commission of a crime? Because generally speaking, those who commit crime don't think about sentencing. They just don't think they're going to get caught number one and number two, they don't think about sentencing at the time. It's not really much of a deterrent.

We have the death penalty in this state. Death penalty is supposed to be a deterrent in committing murder. Whether it is or is not a deterrent, we still have a lot of murders. We're still having some death penalty. It deters the commission of a crime by that individual because they will not be living to commit the crime you see. So it deters it so far as that's concerned.

But fundamentally, you have to get back in the supreme of law business to correct a lot of things that are happening so far as the home is concerned. You've got to keep kids off of the street. You've got to have discipline -- correction at home, but what can you do when you have so many single parent families? And when you've got so many youngsters, I say youngsters because they're under 18, who are having children out of wedlock? When you've got so many people who think that they can have a baby then don't have to take care of it. That's the place where you really have to start -- to correct the deficiency at home really and truly. And you have to change the attitude of people. There's no reason why a twelve or fourteen or fifteen year old boy should be on the street after ten o'clock at night.

JOHN: So you think a curfew law would be one way to help?

JUDGE JOHNSON: Well, yeah I think curfew law would help. I'm not quite sure what they're going to do with these youngsters they pick up who are on the street after the curfew. Are they going to take them home, or what are they going to do with them? I don't know.

JOHN: Let me interject a minute because working at Truman, I see a number of kids as you mentioned coming from single parent families and often times the kids are free to roam as long as they want and the parents aren't home and I just find that very frustrating to... when you have a parent that's not being held accountable, I mean, then they'll defend the kid when the kid gets in trouble and what example does that child see then? What do you do in that kind of situation? It's a real frustrating type of situation.

JUDGE JOHNSON: The parent really should be punished, not the youngster.

JOHN: I agree.

JUDGE JOHNSON: Yeah, but you've got to change the attitude really and truly John. All you have to do is look around and see that kids don't know what it really means to work anymore like dealing with this in my day, and I think probably in yours, but they think money grows on trees. It just absolutely amazes me when we go out to dinner sometimes and I see a family of husband and wife and a couple of children out having dinner at night. Not once in a while but every three or four nights and I have often wondered as a matter of fact John, whether or not these people who say they have to work in order to keep things going to pay their bills and the rest of it -- if they have ever thought about what it costs them to keep that job -- for the wife to keep that job for the

child care, going out to dinner, their cost of upkeep of the home and whether or not they're ahead -- I don't know.

But I also think another thing that women who do not stay home and take care of their youngsters -- how much they are losing of the love and affection of that youngster that they are denying the opportunity -- that youngster the opportunity of having from their mother or father.

JOHN: The nurturing.

JUDGE JOHNSON: That's right. So it's one of those things.

Well anyway, so as far as the juvenile court is concerned, there is no more juvenile court, really.

JOHN: So you think that basically changed when the Miranda Law passed?

JUDGE JOHNSON: It changed -- I'm trying to think of the name of the case that Justice Fortis decided. I know it just as well as my own name, but I can't think of it right now. It was the Gault case.

JOHN: Ok, I just have one more question. Is there something that we haven't talked about that you think is important that (we should discuss)

TAPE 2, side 2

JUDGE JOHNSON: ... I don't know, I think probably the thing that I have enjoyed and did enjoy greatly all my life was the opportunity to do something for somebody else.

I told you the story of how my mother wanted me to be a preacher. Well, I think that as a lawyer I could do as much to help people as a preacher could do to help people. I enjoyed being on the bench because while there were some very rough times and the rest of it, I think about the opportunity I also had to straighten some youngsters out and the opportunity to straighten out even some adults that came before me. And I think the fact that I was mixed up in a lot of things -- when I think about it now, I don't know how I had the time to do a lot of the things; at any rate the illustration that just happened while you were here when one of the trustees of the Elks called me to ask me what I would suggest he would do under certain circumstances.

Those associations and the rest of it made life very pleasant so far as I'm concerned...

John, let me just take a couple of minutes to tell you a little something about the is known as the LESA Commission. That's the Law Enforcement Safety Commission. That was established in about 1973 or '74... '74 I think. I was appointed on that board by the commissioners of Pierce County and on that board was the chief of police, the sheriff and a few other persons, and we started working up to have a 9-1-1. You had to set up all together a new system so eventually we would get to what we've known as 9-1-1 where you just have to call in 911 and they could come to your aide wherever you were or whatever you were doing. The first year was pretty difficult because we had to find somebody who would be in charge of it number one; number two, it was an agreement between the county and the city and that was a little tenuous sometimes because if the



county didn't get what they wanted, why then they would threaten to withdrawal and all of that sort of thing. But fortunately, Carl Peterson was the sheriff at that time and he was a very fine fellow to work with and the chief of precinct -- I can't remember just who that was, but at any rate we had a man from Stanford University to be in charge of creating the 9-1-1. It was going to cost a lot of money but there had to be a lot of paying done before we could get to 9-1-1 because we had to also get the cooperations of all of the little fire districts in Pierce County and there were quite a few fire districts in Pierce County and you had to get the cooperation of all the little cities in Pierce County and all that sort of thing. Well that had been on about a year and a fellow by the name of Janovich was elected Sheriff and Hal Peterson of course left then and they became all together a different feeling so far as the members of the commission were concerned because Janovich was trying to take over and he was attempting to get everything working out of the Sheriff's office and it was not really cooperating as far as the city was concerned and it got to the point at one time when Janovich went to the county commissioners and asked them to withdraw from the LESA commissions because he said that they were not cooperating with him.

It later turned out that Janovich was in company with some people who were violating the Federal Law as well as the State Law by entering into a conspiracy to permit gambling to go on in this state. And so that thing developed and we soon found out that the reason Janovich wanted everything to through the sheriff was because he was working on taking over so far as the gambling in Pierce County was concerned.

Fortunately, Janovich was discovered and they got enough evidence so they convicted them and from then on, the LESA commission continued to improve and improve and finally we had 9-1-1.

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That came about -- I was on for three years -- and it took all those three years that I was on the commission and the additional year before we were able to get the assistance of all of the fire departments and all of the cities until we finally got 9-1-1 working so that it would be of some value. I thought maybe you might like to know that.

JOHN: Oh yeah, yeah I do. Thanks again for your time.

END TAPE 2, side 2.

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TAPE 3, side 1

Interview on 5-13-94

JOHN: Ok, we can go ahead and start now.

JUDGE JOHNSON: I'll bring you to 1950. It was in January -- I don't remember exactly - - I think it was the 13th of January, but I'm not sure, but at any rate Christie and Judy were going to the Annie Wright Seminary at that time. So I took them down to the seminary when I went to the office in the morning, and then I went to my office in the Rust Building. About eleven o'clock it started to snow and it started to snow very, very hard and I knew that I couldn't get up the hill -- I knew I couldn't drive my car up the 11th street hill with snow on it, so I go into my car -- I went out and got into my car and I had to go over Commerce Street straight South to Jefferson and straight up Jefferson and up to Tacoma Avenue, then come back down Tacoma Avenue and go down to Annie Wright Seminary to get Christie and Judy. I didn't have any chains and I didn't have any snow tires on and you know there's a little incline there by the Seminary down there on Tacoma Avenue -- the Annie Wright Seminary -- so I went down there and I got down there all right and picked them up and started up and I was having an awful time getting up that little hill, but I finally did and got up to 6th Avenue and came out 6th Avenue -- had that

little Plymouth Coupe and it was snowing so hard that I couldn't hardly move very fast with that car and the windshield was of course covered with snow and so forth and I would think that it snowed within an hour, at least twelve inches and it continued to snow and I think we must have had at least two feet of snow at that time. I got up to about where Remann Hall is now on 6th Avenue and started down the hill and I was afraid I couldn't get up the -- you know there is a little swirl there that goes down to Pearl -- and I got down to Pearl and I came over to Pearl Street to 27th Street at got home. It took me, I'll bet it took me at least an hour and a half to drive from the Seminary on Tacoma Avenue to what's that -- about North 6th...7th... N. 8th Street -- to our home here in University Place. It snowed all day and it was the worst snow that I know we ever had here. I hope we never get another one like it but it was very, very bad.

Now that's the blizzard of 1950. It was cold for several days and it snowed for several days as a matter of fact, then the earthquake of April the 13th, 1949. I was sitting in my office talking to another lawyer. I was trying to settle a case with another lawyer on the 5th floor in the Rust Building and I was sitting there and pretty soon I heard the building squeak and strain and so on and so forth, and I said, oohh, this is it -- but I didn't move and didn't get out. He didn't move and I didn't move and we just sat there and I looked out the window and I could see the Puget Sound Bank Building and I could see it sway -- the whole building.

JOHN: So it was very obvious -- the sway? It wasn't just -- you didn't just feel the rumble and you could see things moving?

JUDGE JOHNSON: I didn't feel the rumble unless you want to call the squeaking in the building -- that was a rumble that wasn't very happy to listen to because we only knew what was going to happen. And I looked out and I saw that thing and I knew we had an

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earthquake. As soon as it was over, that was about twelve o'clock -- just about noon or a little before noon, on the 13th of April.

JOHN: Did it last only a few minutes then?

JUDGE JOHNSON: It lasted only a few minutes. I don't think it lasted ... I don't know whether it lasted over a minute but it sure swayed around while it lasted. Mrs. Johnson was at home here and she was out weeding and she had a clump of grass in her hand or a weed that she'd picked up and she started shaking and she couldn't stop shaking (laughs). She was on her knees shaking, and shaking and shaking and then she went over the neighbors to see whether they were all right and one of our neighbors had beautiful chandeliers and she was standing on the table holding those chandeliers so that they wouldn't fall, so that was quite an experience.

JOHN: So you realized right away what it was.

JUDGE JOHNSON: Oh yeah, I knew right away what it was. I knew it was an earthquake. There wasn't any question about it. Now the other one that I think about in October, but not in '34, it was... I think it was sometime in -- I had better not give you a date because I really don't remember the date -- but I know it was October the twelfth. It was Columbus Day. We were going down to Portland. Mrs. Johnson and I were going down to Portland to visit some friends that we have down there. We stopped in Vancouver, Washington where Pearl's sister was with her husband. She had some horses she was going to put in a horse show down there and we started out, I'd say about three o'clock in the afternoon -- two or three o'clock in the afternoon -- and just as we started to go across the International Bridge, over to Oregon, the wind came up and it blew -- signs were going all through the air, wires were coming down -- we went up that Memorial

Highway towards Salem -- you go up quite a long hill -- our friends lived up in that part of Portland -- and branches from trees were flying through the air and why one of them didn't hit my windshield, I'll never know but we got up that hill, we got to their house and along the road, trees were going down and limbs were flying. We got to their house and all of their power was out and the power was out for all of that night. It did quite a lot of damage over at Lloyd Center in Portland. A lot of trees went down. We were afraid to think about what would happen up here with all out trees up in back and we had a big maple tree back in the garage and we couldn't go home anyway because they had to cut the trees that went over across the highway -- they had to cut a lot of them in order to (clear it) -- and the next day was beautiful. It was absolutely a beautiful day and we went down to the Oregon v. Washington football game the next day in Portland and that was on Saturday -- this was on a Friday that we went down there and had this terrible wind. We listened on the radio -- we had a radio that was powered by batteries. The wind started down in Southern Oregon and came up in the Oregon Coast and up through Portland and up through Washington and up here. We got home on Sunday and there were twenty two trees that were blown down, so that was the wind.

JOHN: That's a real wind.

JUDGE JOHNSON: That's what I remember about it. And we had wind of 83 miles per hour then. It was very, very bad. I don't remember the great wind in 1921. I was in Seattle then going to school and I don't remember that at all. Now that pretty well takes care -- oh, that freeze in 1924, I don't remember that either very well because I was in Seattle then so I don't remember that very well here.

JOHN: The reason I mentioned that was because how often does salt water freeze?

JUDGE JOHNSON: Salt water doesn't freeze. It has to be very, very bad before it would freeze and I have some slight remembrance that salt water froze over sometime at that time but I don't have a very clear memory of what happened, so I can't tell you about it.

...

I was a youngster... I went to the old Lincoln Grammar School up on 16th and K Street. There is no more Lincoln Grammar School and there hasn't been for a long, long time, but I went to the old Lincoln Grammar School and that's in the hilltop area. And you're aware of course what's happened to the hilltop area -- about all the lawless that they have up there and the rest of it. When I was a youngster, the hilltop area was populated by immigrants from Sweden, Norway, Denmark, Italy, Germany, Russia, and they all had their little group and they lived in part of the hilltop. We lived at 1412 South Sheridan which was the picture you have. That was the address of the house.

JOHN: Was that the Swedish section of the hilltop area?

JUDGE JOHNSON: That was 1412 S. Sheridan and around us for two or three blocks each way were mostly Scandinavians -- Swedes, Norwegians, Danes -- then over on 12th Street, on South 12th Street between 10th and 12th Street, particularly 11th and 12th and from K Street up to Ainsworth was a community of Italians. You wouldn't very often hear English spoken in these communities. You'd hear the native language spoken. The truth of the matter is that at my home, we spoke Swedish at the time and I didn't know very much English when I started grammar school, so I had to learn English in school primarily, then my brothers and sisters, course they were older than I was and they had gone to school a lot more than I had, so they also taught me how to speak.

Then over on about 19th, there was a reservoir -- 19th and Sprague Street or just about there, there's a big reservoir over there and there's where the Germans and the Russians

lived over in there and they all went to the old Lincoln Grammar School. So we had quite a conglomeration of nationalities in that school. Well, when I was in the 8th grade, I worked at the Public Market. We had a public market on Market Street between 11th and 13th on the East side on Market Street where they had stalls and stands where they sold fruit and vegetables and all of that sort of thing and those stalls or stands were out in the street. Then there were buildings on the West side of the sidewalk and they had -- there were places where they sold chickens, they sold meat, they sold groceries and so on and so forth. So for the time that I was 13 until I was about 15, well, from about the time I was 12 until the time I was about 14, I went after school down there and worked in one of those vegetable stalls and my pay was \$2.50 a week. That was my pay. Then after they wanted to clear up Market Street and they erected the Crystal Palace Market which is right on the corner of 11th and Market Street on the Southeast corner and that was where they had stalls where the farmers could come in and put out their wares, but usually there was Italians or Greeks primarily who had vegetable stands and stalls, and then the Crystal Palace Market, they had fish markets, they had meat markets and fruit markets and so forth, so that was the type of shopping they did there, so people would stop and get their food and go take the street car and go home. That was before they had very many automobiles. Automobiles were pretty scarce in those days.

Now, Tacoma Hotel was located between 9th and 10th street on A Street overlooking the Sound. It was a beautiful building, very, very gorgeous. I think probably it was about the nicest hotel in the Northwest. It had a big veranda around it. The dining room was beautiful. I remember very distinctly, very well -- they had a fellow who was in charge of all of the waiters and most of them were black people, colored people - the waiters I mean, and his name was Webber, a big husky black fellow, very jovial and was there many, many years and he used to take people to the table. They didn't have stalls like we do now, they had tables.

JOHN: Was it a beautiful dining room?

JUDGE JOHNSON: It was a beautiful dining room. A beautiful dining room that looked over the bay and then there was a big wide veranda and in the summer time when it was warm, they ate out there. Then they had a famous room there called the Stone Room where some of the service clubs went. Before the hotel burnt down, I had joined the Lions Club and the Lions Club and their meeting there every Thursday noon. The Kiwanis Club met there, the Rotary Club met there and so forth. And when that hotel burnt down, it was a tragedy so far as the City of Tacoma was concerned. It was one of the great assets so far as the City of Tacoma was concerned. It was well known and well considered by traveling people primarily. But it was a beautiful hotel, well managed and it was a delight to go in there and have dinner.

JOHN: The Winthrop Hotel was built then wasn't it -- before the Tacoma Hotel burnt down?

JUDGE JOHNSON: The Winthrop Hotel ... was a community hotel. My recollection was that the Winthrop Hotel was built immediately after -- either immediately after or immediately before -- but it was just about the same time, so that came about....

What I remember was the old steamers that went to the various islands. I remember as a boy going down to the dock downtown sometimes, and the Iroquois -- that was the name of the Steamship that made a trip from Tacoma to Olympia and back every day. That's the way you got down to Olympia.

JOHN: Do you recollect how long that trip possibly took?



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JUDGE JOHNSON: No, I can't tell you how long it took except by comparison. We had two steamers who ran between Tacoma and Seattle. The Indianapolis was one of them and Washington I think was the other one and that took about an hour -- a little over an hour. The people left Tacoma on the hour and the other left Seattle on the hour and it took I think about an hour to go and I would think it would take about an hour or two hours to go down to Olympia, something like that.

Now what else can I tell you? Oh, now the Olympia in the mosquito fleet -- we used to go over to Anderson Island on the Steamer that left from the dock downtown -- the municipal dock; they'd call the municipal dock -- from there it would go to Gig Harbor and stop two places as I remember on Fox Island, stop at McNeil Island and then two places or three places I think on Anderson Island and then would go to the other islands around and back and pick up freight and passengers and so forth and so on.

JOHN: On those islands like Anderson Island, was there many people living there? Was it like several or a couple of small farms?

JUDGE JOHNSON: Well, the history of Anderson Island is rather interesting. People who went to Anderson Island and McNeil Island farmed primarily. Anderson Island had a business over there. There was a lot of timber on Anderson Island. They had an outfit that was over there and I think some of the residents were over there and all they did was cut down timber all day and sawed it up in the blocks because these ships -- they were steam ships -- but what they used was wood for fuel. And they used to pick up fuel while they were over (on the Island) and there was one boat that would carry fuel and nothing else. They'd get blocks over there.

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JOHN: One more question regarding the mosquito fleet, do you remember at all when the Virginia Four sunk?

JUDGE JOHNSON: No I don't. I remember that it sunk but I've forgotten about it.

JOHN: We learned about it in class last night -- it sunk during its maiden voyage or something like that... thus the Virginia Five.

JUDGE JOHNSON: The Virginia Four used to run between Seattle and Tacoma and used to go down the West Passage. Do you know what I mean by the West Passage?

JOHN: No, I'm not sure.

JUDGE JOHNSON: Okay, you know when you go to Seattle by boat, you go down the East side of Vashon Island and Murray Island. The West Passage is on the West side of the Island and then they stopped at a lot of little places. They stopped at Spring Beach, they stopped at Liza Buella, they stopped at ... they just went down this West Passage and they'd stop here at a little port then they'd go across to the little port over at Vashon Island and they'd go and stop over at a little port on the Mainland and so forth and it took at least two hours -- two and one half hours to go that way.

JOHN: What did it -- do you remember what it might have cost to ride on a boat? I don't remember.

JUDGE JOHNSON: I don't remember.

JOHN: I was just trying to possibly put it in perspective as compared to ...

JUDGE JOHNSON: John, I don't remember. When I was going to college in 1920, '21, '22, '23, '24, I took it every weekend. I got on the boat and studied on the way over and I'd be home for the weekend working here in Tacoma then I'd leave Sunday evening and go back. But I don't remember. Now, that covers most of that that you asked about.

JOHN: ... we studied in class last night about the Wobblies.

JUDGE JOHNSON: They used to call those people Wobblies. I don't know if they were Communist or not. They were labeled as such. They were very unruly. They were against war. There was one war they were against very much. They were strikers and they had this parade down in Centralia. Gosh, I don't even remember the year now, was it about 1919? I think you said 1919. I remember that now and they called themselves the I.O.W.W.s or the International Order of Wood Workers and they were interfering with this parade and shots were fired and they went after these Wobblies so called because they thought they were the ones who had fired the shots and killed some of them. And that's about all I know about that except that they were considered as Communists. They was quite a crowd of them too. Quite a few people belonged to the I.O.W.W.s.

JOHN: I wasn't sure if there was like any feeling sympathy for them at all. I didn't know if there was a general feeling of sympathy or animosity.

JUDGE JOHNSON: Well, there was a feeling an animosity primarily because they caused considerable difficulty. They had a strike in Seattle I remember...

JOHN: The Boatyards...

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JUDGE JOHNSON: ... and there was a lot of trouble over that. They did not get any sympathy anyway so far as the public was concerned. The public would just as soon not have them around.

JOHN: That's what I was interested in -- your impression of the people's general feeling at that time.

JUDGE JOHNSON: They just didn't want them around and in Tacoma they ended in that difficulty down in Centralia.

You asked about the New Charter in Tacoma. Prior to 1952, they had the commissioners -- the Commissioner for Light and Water, the Public Safety Commissioner, and so on and so forth and I thought -- my own feeling was they were getting along very well. I didn't see anything particularly wrong with the way in which they operated. You always had some problems whatever form of government you have. I have some friends of mine who were in office down there then. Jack Roberts is still living. He's here in Tacoma. He was Commissioner of Finance. There was Ira Light (who) was the Commissioner of Water and Light and did a great job. They had a fellow by the name of Lawson in my recollection -- I don't remember his first name -- who was the Commissioner of Public Works I think. Bergeson who was a good friend of mine was the Commissioner of Public Works. And then they changed to a council form of government a mayor council form of government they have now. I don't know if it improved it any in my own feeling. I really don't know. I always thought the Commissioner form of government where they were doing all right.

And they did a lot of things during the time we had that form of government that they did a lot with the City light problem. The work up at Cushman....

[interruption....]

...We talked about City Charter. Well I think the just changed city charter because somebody got the bit idea that they ought to change it. And for some reason, we Americans seem think we ought to have change every once in a while. One of these days they're going to want to change back to something else.

JOHN: So in your opinion, the old system worked pretty well?

JUDGE JOHNSON: I don't think it improved our government at all. Now, what else have we got?

JOHN: Those kidnappings -- there was like a rash of kidnappings in ....

[Interruption....]

JUDGE JOHNSON: Charlie Madson. Charles Madson was the son of Dr. W.W. Madson. He lived out near Point Defiance and he was snatched one Sunday I believe and they -- the FBI got on it and it took several days before they finally caught up with the fellow who had taken him and had killed him. I'd forgotten his name now. I was trying to think about it. But at any rate, he was tried in the federal court here in Tacoma and was convicted of kidnapping and murder. Unfortunately under the federal law, you can't hang him, so he got life. That was in 1936. Then about a year before that or thereabouts the Weyerhaeuser -- George Weyerhaeuser was down in Lakewood and the FBI got on that thing and they finally located George Weyerhaeuser and the fellow who had kidnapped him. Fortunately they didn't kill G. Weyerhaeuser -- he lived and was the president of Weyerhaeuser Timber Company for a while. I don't remember the fellow who had kidnapped him.

JOHN: It was like a husband and wife.

JUDGE JOHNSON: It was a husband and wife. I don't remember the names. They were tried and convicted.

JOHN: Do you remember -- were you a prosecuting attorney -- the chief prosecuting attorney or had you gone on the bench?

JUDGE JOHNSON: I had just left the office. I was prosecuting attorney up to the second or third day of January, 1935. So it was after I had left that that happened. I kind of remember the case. I don't remember. I wish I could.

JOHN: He was a man -- his wife disappeared and... he couldn't... he said that she just left and he didn't know what had happened to her and he, I guess, fancied himself as a ladies man and they set up a plot -- the police set up a plot with a lady that he had known that supposedly he liked and she kind of acted on behalf of the police like she was making advances toward him or was interested in him and he confessed that his wife -- he had killed his wife and dropped her down some well and I just didn't know if you had remembered. I didn't know if you had an interest in it since you were a lawyer in law school at the time. That's why I wrote that in there.

JUDGE JOHNSON: Well, she later -- Jim Sullivan I think was the prosecuting attorney at that time, and I think he later married her.

JOHN: Yeah, you're right. That's right.

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JUDGE JOHNSON: I don't remember the facts too well about that.

JOHN: That was mentioned in the article I read. Interesting twist in the...

JUDGE JOHNSON: That was in '24 when I either was at school or just started to practice law, I'm not sure which because I don't know what part of '25. I don't remember the Hook kidnapping. Can you give me any...

JOHN: That was a man who divorced his wife and he was unhappy about the divorce and he snatched his wife and made her crawl into a drain pipe or something and then he shot her while she was in the drain pipe and they eventually found her body inside there.

JUDGE JOHNSON: I don't remember it. I really don't.

JOHN: That was out of that book of newspaper headlines.

JUDGE JOHNSON: I don't remember that. Now, my stuff that you had -- I tried a fellow for murder and the jury returned a verdict of guilty and recommended the death penalty.

JOHN: I forgot that guy's name -- the man that ran over the woman in the gravel pit.

JUDGE JOHNSON: That's the one.

JOHN: After the...

JUDGE JOHNSON: He hit her in the head with a rock first then run over her and then, oh my God, then he just threw her in the swamp.

JOHN: You had mentioned in the History of the Tacoma Bar that perhaps that was one of your worst cases -- that you agonized over that decision.

JUDGE JOHNSON: That was pretty tough. But I had a duty to perform so I did it.

JOHN: I was curious about your involvement with the development of Remann Hall.

JUDGE JOHNSON: Okay, Judge Remann -- I started to practice law in his office. He didn't have any office for me, but he took me in and I had the receptionist room. I had a big old fashioned roll top desk and that's the way I started practicing law. And then if he wanted me to go the library for him or check some law for him or write a brief for him or something, I'd do that. He gave me a little work once in a while. I think the first three or four months, I made thirty dollars a month or something like that. I started in his office in June, 1924, and then in January, 1925, he was appointed to the Superior Court Bench to be a judge of the Superior Court. So then I took over his office and I finished what work I could of his and so forth. He had the juvenile court all the time that he was on the bench. They used to have a building -- a little building over across the old courthouse across G Street. The little building right across the courthouse was the detention facility.

**Regarding location of offices in the Old Tacoma Courthouse:**

Mrs. Johnson: Tell him to talk to you about the building. It might be interesting. Judge Johnson: The jail in this building was down in the northeast corner on the ground floor. That's where the jail was... The prosecutor's office was here on the third floor. (There



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was a library there and Judge Remann's courtroom later became my courtroom after I was appointed.) (At the top) was what they called the hangman's roost.

**JOHN:** Did they actually hang people in there?

**JUDGE JOHNSON:** Five, and all five of them killed their wives. But at any rate... So anyway, judge Remann took over the juvenile court and he had the juvenile court all the time he was on the bench.

**END OF SIDE 1, tape 3**