

Judicial pioneer Roberts dies at 88

The first woman on the Oregon Supreme Court, she was known for breaking gender barriers

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Betty Roberts, who as a schoolteacher, state legislator, attorney and judge broke many barriers for women in Oregon, died Saturday at her Portland home of pulmonary fibrosis at age 88.

She chalked up several important firsts in her career — first woman on the Oregon Court of Appeals and first woman on the Oregon Supreme Court — but those who knew her say her most important legacy resides in her steadfast efforts to create a meaningful life for herself and her children and to open doors for other women to walk through.

Sharon “Dian” Odell, the oldest of Roberts’ two daughters and two sons, said her mother was a stay-at-home mom while her children were young.

“She went back to school at age 30, when I was in fifth grade and she felt I was old enough to babysit for the younger three,” Odell recalled. “She went to night school in La Grande to become a teacher — she knew that women at that time could be teachers.”

Roberts, born Betty Cantrell in Arkansas City, Kan., grew up in Texas during the Great Depression, and when she was a child her father “was paralyzed by drinking bad booze during Prohibition,” Odell said. “The family went from being comfortable middle class to the recipients of Salvation Army food baskets. Because of that memory, my mother supported the Salvation Army all her life.”

But the same memory also spurred her determination to be able to support herself financially. While Roberts’ mother had taken in washing to try to make ends meet, “my mother knew in the 1950s, because of washing machines, she couldn’t do that — and she wouldn’t do that,” Odell said. “She went to school instead.”

After one year of night school at La Grande, the family moved to Portland to support the career of her husband, banker Bill Rice.

“She thought that would be the end of her education right there, but someone told her about a new school called Portland State College, and she enrolled there and finished her bachelor’s

degree as part of the second graduating class, in 1958,” Odell said. “She became a social studies teacher in high school.”

She and Rice divorced the next year. In 1960, she married Frank Roberts; they divorced in 1965, but she retained his name even after she married a fellow state legislator, Keith Skelton, in 1968; he died in 1995.

Roberts taught in three high schools in the Portland area, first at Reynolds, where she remained until the school wanted to make her Dean of Girls, but she didn’t want to leave teaching. She took another teaching job at Centennial High School, but when she requested permission to run for the state Legislature, the school board said it wouldn’t renew her contract if she won. However, David Douglas High School embraced the possibility of having a state legislator on its faculty and hired her. During the same period, Roberts was commuting to Eugene after hours and on weekends, pursuing a master’s degree in political science at the University of Oregon.

“At that time, she was still focused on teaching, but in college,” Odell said. “But she talked to the dean of political science at the UO, and he said she was too old — she was 39. And when she realized there had never been a female faculty member in that department and few females in the classes, she knew that wasn’t her path.”

Feeling that all doors for advancement were closed to her, she began to rethink her options. In 1962, she entered the Northwestern School of Law — now Lewis & Clark Law School — and completed her degree, still teaching high school at David Douglas and taking classes at night, in 1966.

In the meantime, she won election to the state Legislature in 1964, as a Multnomah County Democrat to the House of Representatives. She served two terms there and then won a state Senate seat in 1968, as the only female member of that chamber. After Roberts married Skelton, the state Elections Division, the Oregon State Bar and the Oregonian newspaper all refused to refer to her as Roberts, instead calling her Mrs. Betty Skelton, which persisted until she threatened legal action.

Her successes in the Oregon Legislature include co-sponsoring the watershed Bottle Bill in 1971. Halfway through her second Senate term, Roberts ran for governor, losing the primary to Robert Straub, who went on to win the general election. Later the same year, in 1974, after the death of Sen. Wayne Morse — he had filed to run against Republican Bob Packwood, who had defeated him six years earlier — Roberts took his place on the ballot and ran her own unsuccessful race against the incumbent.

Three years later, her career took a new turn, when Gov. Straub appointed her the first woman justice on the expanded Oregon Court of Appeals, an elected position that she would have to run for to keep.

“My mother really was Gov. Straub’s second choice — he wanted to appoint Helen Frye, but she didn’t want to have to run a re-election campaign,” Odell said. “She later became a federal judge.” Frye was Oregon’s first woman federal judge; she died in April, at age 80.

Roberts said she experienced gender discrimination as the only woman on the state Court of Appeals, largely the doing of the chief justice, Herb Schwab. In an oral history prepared by the American Bar Association's Commission on Women in the Profession, Roberts told the interviewer that Schwab never expressed his feelings outright.

"He didn't tell me, but he ignored me," she said. "Being ignored, if you talk to people of color who tell you about not being included in a conversation, or people looking right past them and knowing that they are there, but ignoring them — that's what happened to me at the Court of Appeals, for a very long time."

Roberts left the Court of Appeals in 1982 when then-Gov. Victor Atiyeh appointed her the first female member of the Oregon Supreme Court. She served in that position until 1986, leaving in part because of workload, the daily commute from Portland to Salem, the stress of the position and her desire to travel with her about-to- retire husband.

But Roberts never really stopped working. She turned to yet another career after Skelton's death, doing mediation and arbitration as well as public speaking, especially how-to sessions for women interested in law and politics. In 2008, the Oregon State University Press published Roberts' book, "With Grit and By Grace: Breaking Trails in Politics and Law."

"I keep her book in my office," said state Rep. Val Hoyle, D-Eugene. "I am a first-term legislator, and this is a tough session. Whenever things get really tough, I pull out her book and find the inspiration to continue in her example. I consider her a mentor. The Legislature is an environment where kindness is considered weakness, and she transcended that — she had a political style that I feel comfortable with and think can be successful. She is one of my political heroes."

While she is especially proud of her mother's unending quest to support equal rights for women, gays and lesbians and yes, even men — one of her most significant cases involved ruling in favor of a man seeking benefits for his child whose mother had died in a work-related accident — Odell said she often gives a more flippant answer when people ask about her mother's legacy.

"I say, 'It's never too late to start a new career'," Odell said. "She never stopped doing new things until two years ago when she became ill. And she always was involved with her family. Just a couple of hours before she died, she was very lucid, arguing with all of us about whether we were doing her blankets right."

In addition to Odell, Roberts is survived by daughter Jo Rice and sons John Rice Jr. and Randy Rice, brother Robert Cantrell, nine grandchildren and eight great-grandchildren. Remembrances may be made to Oregon Women Lawyers Foundation; the Center for Women, Politics and Policy at Portland State University; or the Justice Betty Roberts Women and the Law Program at Lewis and Clark Law School.

Ann Aiken, Chief Judge, U.S. District Court:

“As 20-year-old UO student and legislative staffer, I had my life changed while watching Sen. Roberts carrying the equal rights amendment on the Senate floor ... I would not have the career or the privileges I have had to serve on the benches of Oregon without her inspiration, support and wise counsel.”

Martha Walters, Oregon Supreme Court Justice:

“I cannot imagine that the court will ever again be blessed to have a justice, woman or man, of her courage, commitment and compassion. Betty’s determination made everyone who knew her reach higher and try harder. She was a great leader.”

David Brewer, Chief Judge, Oregon Court of Appeals:

“Betty Roberts was the greatest judicial pioneer in Oregon history. Although she never forgot the pain of discrimination, she always kept her faith in people.”

Melody Rose, of PSU’s Women, Politics & Policy:

“She was the Dean of an entire generation of women educators, legislators, lawyers and jurists.”

State Sen. Suzanne Bonamici:

“Roberts was a champion for women’s rights, the environment and public education.”

U.S. Sen. Ron Wyden:

“Every time you turned around, Betty Roberts was pioneering. Oregon has lost one of its true giants, but we have not lost the memory of what she gave to our state.”