

Kerans, Rutherford boast of past experience

By Stasia Scarborough
Of the Emerald

In a race that has attracted little attention among Oregon voters, the state treasurer's campaign pits two experienced politicians in their first statewide political race.

Democratic candidate Grattan Kerans, a long-time legislative representative from Eugene and former speaker of the House, is facing Republican incumbent Bill Rutherford for the job of the state's top fiscal officer.

Rutherford, appointed by Gov. Victor Atiyeh six months ago, is banking his campaign on his experience as a legislator, small-business man and financier.

Attempting to attract the voters' attention to the race described as "kind of a gray area in between governor and the local candidates," Kerans said he is focusing his campaign on specific issues the treasurer would face.

Those issues have included such matters as policies for state investments and the question of who should control and operate the State Land Board.

Both candidates are stressing their experience and understanding of the financial responsibilities of the job. Kerans emphasizes his five-term experience as a legislator and Rutherford his experience as a small-business operator and investment company's chief executive.



Bill Rutherford

The state treasurer is responsible for management of the state's investment portfolio and investment policies.

Kerans, in his attempt to focus on the specific issues of the campaign, has suggested changing the current investment policy, including a call for divestiture of Oregon's investments in South Africa.

He said that the state's "prudent person rule," which forces the treasurer to invest the state's fund at the best return with the lower risk, is not incompatible with divestiture.

Comparing South Africa to other countries that have undergone revolutions, Kerans said that country's unstable

political climate offers too much risk for the state's investments.

Rutherford graduated from Harvard law school and returned to his hometown of McMinnville to operate the family business and represent the district in the Oregon Legislature. He was also the chief executive officer of a small West Coast stock exchange firm for a short time, before the company was forced to declare bankruptcy.

The demise of the company, Rutherford said, was due to the financial troubles of that company's principal backer and was not the fault of mismanagement on the part of other employees of the company.

Also at issue in the campaign is the direction of the State Land Board, a three-member committee including the governor, the secretary of state and the state treasurer. The land board oversees the handling of state lands and decisions made by the director of state lands.

Kerans has said that Rutherford allowed the director too much disgression in the day-to-day dealing of the organization, especially allowing the director to permit Atlantic Richfield Co. to conduct tests for oil off the Oregon coast.

Rutherford agreed that in the past the director might have been allowed to operate too much on his own, but in the case of the oil exploration, the request was a routine matter.



Grattan Kerans

The Supreme Court justice race

Each claims superior experience

By Paul Ertelt
Of the Emerald

Oregon Supreme Court Justice Hans Linde sees no reason why he should not be returned to the state's highest court where he has served since 1977.

"I think we have an excellent Supreme Court and I've been doing my share," he says.

But Linde is being challenged for his position on the court by Albin Norblad, a circuit court judge in Marion County. He has also served on a variety of other trial courts since 1968.

Norblad points out that Linde has never served in a trial. He claims that trial court experience is essential training for the Supreme Court.

"What does the Supreme Court do? It tells the trial courts and trial lawyers what to do," he says. "He has never tried a case as an attorney or a judge."

Norblad also charges that Linde has been less productive than his colleagues on the court and that his decisions are often unclear and difficult to read.

But the duties of the high court are much different from those of the lower courts, Linde says. The Supreme Court hears no witnesses, nor does it rule on facts in a case.

Instead, the court rules on points of law only in cases it decides to review. It usually rules only on significant points of law, where the impact of the decision is wider than any specific case.

Linde says that his more than 30 years of experience doing legal research makes him more than qualified for the job.

Linde's law career began in 1950, when he spent a year as a law clerk for late U.S. Supreme Court Justice William O. Douglas. He

also has served as an attorney for the U.S. State Department and as a legal assistant for the late U.S. Sen. Richard Neuberger.

Between 1959 and 1976, Linde was a professor at the University's law school and a visiting professor at Stanford and the University of California at Los Angeles law schools. Linde was appointed to the court in 1976 by Gov. Bob Straub and was elected to a six-year term in 1978.

Linde agrees that trial court experience is important on the Supreme Court, but four of the seven justices on the court have trial court experience that is much wider than Norblad's, Linde says. Since the justices work together on an opinion, they can share each others experience and expertise, he says.

"If we had no circuit court judges, that would be bad, but if they were all circuit court judges, that would be bad too because we would not have other perspectives," Linde says.

Linde says the overwhelming support of his colleagues refutes Norblad's claim that they are dissatisfied with his opinions.

In a recent questionnaire the State Bar Association sent to its members, 79 percent of those who responded favored Linde over Norblad for the Supreme Court position. The association sent out 6,823 questionnaires and 3,908 members responded.

Norblad says the results reflect his reputation as a tough judge and most of the state's lawyers fear facing him in court. He also charges that Linde is too liberal on such issues as criminal rights and police searches.

"There is a difference between us," Norblad says. "Philosophically and from a practical standpoint, there is a true choice."



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