

## Sources of Washington State Legal History: An Annotated Bibliography\*

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*The author provides an annotated bibliography of sources for the legal history of Washington State.*

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## Introduction

¶1 Several years ago, it was reported in these pages that the demand for legal history research has been growing.<sup>1</sup> This bibliography has been compiled to help meet that demand by contributing an annotated list of books, articles, and unpublished materials that shed light on the legal history of Washington State, including both the territorial and statehood periods.

¶2 The bibliography is intended to be comprehensive, although certain guidelines were used for inclusion. It contains accounts of historical events with legal consequences, stories of legislative and court actions, and the occasional biography or biographical sketch of prominent members of the Washington bar. It also includes sources that offer some history of the development of a particular area of the law in Washington. Conversely, sources that present the state of an area of law at a given time or parse or predict the effect of a court decision were excluded. For the most part, federal legal history that had a nexus with Washington was excluded, with the exception of sources that provide information on treaties with Native Americans. In order to keep the size manageable, legal history sources found to be marginal or unhelpful were weeded out. Also excluded were papers, meeting proceedings, newspaper accounts, legislative journals, and anything that is not cataloged in the OCLC database. Items focusing on general history but thought to be helpful for understanding Washington's legal history were included and identified as such in the annotation.

¶3 Beginning with our local online catalog, I developed a list of subject headings that I then searched in OCLC's WorldCat database. I also searched the tables of contents of all three law reviews published in Washington,<sup>2</sup> *Western Legal History: The Journal of the Ninth Circuit Historical Society*, *Washington State Bar News*, and the *Pacific Northwest Quarterly* and its predecessor. Finally, I searched LegalTrac and the current and historical databases of the online Index to Legal Periodicals and Books using both key words and subject headings. Each identified

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1. Joel Fishman et al., *Bibliography of Legal History Articles Appearing in Law Library Journal, Volumes 1–94 (1908–2002)*, 95 LAW LIBR. J. 217, 220–221, 2003 LAW LIBR. J. 13, ¶ 2 (citing two reasons for the increased demand: more courses in legal history, reflecting greater interest by both faculty and students; and an increase in the number of legal history articles in the periodical literature).

2. *Gonzaga Law Review*, *Washington Law Review*, and *Seattle University Law Review* (originally *University of Puget Sound Law Review*).

item was then obtained and combed for references to additional items.<sup>3</sup> When the well ran dry, my research was at an end.

¶4 The bibliography is organized with a modified list of the subject headings used by Dr. Joel Fishman in a compilation project he led of legal history articles in *Law Library Journal*.<sup>4</sup> While some entries fall under multiple subject headings, they are listed only once, under the subject heading that seemed the best fit.

## Bibliography

### Bar Associations

Bridges, George S. *Racial, Ethnic and Gender Differences in the Washington Bar: Results From the 1988 Washington State Bar Survey*. Olympia, Wash.: Washington State Minority and Justice Task Force, 1990.

This report is part of an effort to study the treatment of minorities in the Washington court system. The content includes short sections addressing the social and occupational characteristics of attorneys, legal education, comparisons of county bars, and a discussion of unwarranted differences in income among ethnic groups and between genders.

Fagan, Mary, Ken Hammernik, and Pat Youngblood. "Background and Selection Patterns of Justices of the Washington State Supreme Court: 1889–1974." *Washington State Bar News* 29 (January 1975): 25–28.

This brief article provides a demographic account of the sixty-six full-time justices who served on the Washington Supreme Court from statehood in 1889 until 1974.

Kizer, Benjamin H. "History of the Spokane Bench and Bar." Unpublished paper, available at Gallagher Law Library, University of Washington, 1965.

This brief manuscript, prepared in connection with a project on the history of the Spokane bench and bar, recounts the history of lawyers in Spokane and lawyers who became judges in Spokane County.

Lampson, Marc. *From Profanity Hill: King County Bar Association's Story*. Kirkland, Wash.: Documentary Book Publishers Corporation, 1993.

This book presents an account of the role of the King County Bar and its members in the legal, social, and political development of Seattle and Washington. It is divided into five chapters that range from the early days of the territory to 1992.

McGilvra, John J. "Reminiscences of the Early Days of the Washington Bar." Unpublished paper, available at Special Collections Library, University of Washington, n.d.

This manuscript offers personal reminiscences of the mid-nineteenth-century Washington bar, with a focus on some trials with which the author had personal acquaintance.

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3. I would like to offer my deep appreciation to Carolyn K. Hood, the interlibrary loan supervisor at Chastek Library, for her invaluable and patient efforts to fulfill and keep up with my needs on this project over the last two years. I would also like to thank Dr. Joel Fishman and Prof. Patrick J. Charles for their comments and encouragement.

4. Fishman, et. al, *supra* note 1, at 218–19.

Schweppe, Alfred J. "A Short History of the Washington State Bar." *Washington State Bar News* 28 (December 1974): 10–12.

This is a very brief account of the development of the Washington bar from the first organized statewide association of lawyers in Washington in 1888, called the Washington Bar Association, until 1974. It also includes accounts of the development of bar association publications and the crafting and promulgation of the State Bar Act.

Whitaker, Cynthia. "The First Wave of Women Lawyers." *Washington State Bar News* 35 (May 1981): 8–13.

This is a brief account of some of the first women to be admitted to the Washington Bar.

### Biography

Charry, Stephen Walter. "The Environment and the Law: W. Lon Johnson, Attorney, Politician, and Judge in the Pacific Northwest, 1912–1958." PhD diss., Washington State University, 1997.

Charry's dissertation examines the career of W. Lon Johnson, a prominent Washington attorney and jurist, who helped devise legal defenses to nuisance and comparative injury suits brought against polluting industries, such as mining and smelting.

Gallagher, Alan L. "The Fighting Judge." *Washington State Bar News* 43 (November 1989): 15–20.

This article presents a brief biography of Judge William H. Pemberton, a spirited and tenacious representative of the progressive movement in Washington, practitioner of labor law, and justice of the Washington Supreme Court.

Hawley, Lowell S., and Ralph Bushnell Potts. *Counsel for the Damned: A Biography of George Francis Vanderveer*. New York: J. B. Lippincott Company, 1953.

This is a life of a noted early twentieth-century defense counsel in Washington. Remembered primarily for defending the accused from the Centralia Massacre (a clash between members of the IWW and American Legion on Armistice Day, 1919), he also made a career of defense work in other civil liberties cases in Washington, as well as defense of members of the Industrial Workers of the World (IWW) around the nation.

Johnson, Claudius O. "George Turner, A Character From Plutarch." *Washington Law Review & State Bar Journal* 18 (1943): 167–81.

An account of the career of a justice of Washington's Territorial Supreme Court, prominent member of the early Washington bar, and elected official.

Johnson, Claudius O. "George Turner of the Supreme Court of Washington Territory." *Oregon Historical Quarterly* 44 (December 1943): 370–85.

This article, unlike Johnson's other article on Turner, focuses exclusively on Turner's service on the Washington Territorial Supreme Court.

Nesbit, Robert C. *He Built Seattle: A Biography of Judge Thomas Burke*, Seattle: University of Washington Press, 1961.

This biography of an early Seattle practitioner, jurist, and booster gives both a snapshot of the early Seattle bar and an overall view of the intertwining of law and economic development in Seattle from the late nineteenth century into the early twentieth century.

Newbill, James G. "Judge Webster: 'There is Something Sacred About the Work of the Court.'" *Western Legal History* 12 (1999): 151–81.

This article offers a brief account of the legal career of John Stanley Webster in Spokane, as well as his service on the bench, both state and federal.

Potts, Ralph Bushnell. *Come Now the Lawyers*. Menasha, Wis.: George Banta Company, Inc., 1972.

While not intended to be a thorough history, this brief book is an account of legal events and characters in early Washington.

Scott, George W. "Three Lady Lawyer Legislators Who Showed Us the Way." *Washington State Bar News* 61 (October 2007): 20–26.

Brief sketches of the careers of three female members of both the state legislature and the Washington bar: Reba Hurn (the first woman admitted to the Washington bar), Lady Willie Forbus, and Jeanette Hayner.

Wiggins, Charles K. "Austin Mires and the Capital Controversy." *Washington State Bar News* 43 (April 1989): 24–27.

Austin Mires was a prominent jurist and legal educator in Michigan before moving to Ellensburg in 1883. This article reviews his legal career, focusing on his role during the 1889 constitutional convention in keeping the state capital in Olympia.

Wiggins, Charles K. "Francis Henry and the Declaration of Rights." *Washington State Bar News* 43 (May 1989): 51–54.

This article provides a brief account of the role played by Francis Henry, an Olympia lawyer, in drafting a Washington declaration of rights at both the Walla Walla Convention of 1878 and the 1889 constitutional convention.

Wiggins, Charles K. "George Turner and the Judiciary Article. Part I: A Character From Plutarch." *Washington State Bar News* 43 (September 1989): 46–50.

This first part of a two-part article looks at the career of George Turner, a member of the Territorial Supreme Court and prominent member of the early Washington bar both before and after statehood.

Wiggins, Charles K. "George Turner and the Judiciary Article. Part II: The Constitutional Convention of 1889 Creates a Judiciary for Washington." *Washington State Bar News* 43 (October 1989): 17–23.

This second part of a two-part article looks at the role of George Turner in the controversies surrounding the genesis of the Washington court system.

Wiggins, Charles K. "John P. Hoyt and Women's Suffrage." *Washington State Bar News* 43 (January 1989): 17–20.

John P. Hoyt served as governor of both the Arizona and Washington territories. Subsequently, he served on the federal bench in territorial Washington and on the state supreme court after statehood. He also served as president of the 1889 constitutional convention. This brief article recounts his life, with a focus on his role in assisting the suffrage movement in Washington.

Wiggins, Charles K. "The Twenty-Three Lawyer Delegates to the Constitutional Convention." *Washington State Bar News* 43 (November 1989): 9–14.

This article offers a brief look at the lawyers who served in the 1889 constitutional convention—both who they were and some of their experiences.

## Business Associations

Dolliver, James M. "Condemnation, Credit, and Corporations in Washington: 100 Years of Judicial Decisions—Have the Framers' Views Been Followed?" *University of Puget Sound Law Review* 12 (1988–1989): 163–96.

This article provides a history of the framing of three parts of the Washington Constitution and their subsequent application and interpretation in case law: article I, section 16 (takings), article VIII, section 7 (municipal credit), and article XII, sections 1–22 (corporations).

Eaves, Jessica A. "A Step in the Right Direction: Washington Passes the Limited Liability Company Act." *Seattle University Law Review* 18 (1994–1995): 197–213.

While this article consists primarily of a positive review and general outline of the Washington Limited Liability Act, it also describes how and why the act was passed, and includes a brief legislative history that includes an account of opposition and amendments to the legislation.

Preston, Howard H. "Growth of the Trust Business in Washington 1929–1952." *Pacific Northwest Quarterly* 43 (1952): 120–53.

This is a continuation of Preston's *The Trust Business in Washington*, and begins with the period just before the Depression.

Preston, Howard H. "The Trust Business in Washington." *Pacific Northwest Quarterly* 43 (1952): 3–25.

This article highlights the political and economic history of, and banking developments in, Washington from territorial times until the Depression. It also explains "the general nature of the trust business" (p.3), including legal aspects.

## Children and Minors

Hart, Patricia Susan. "A Home For Every Child, A Child For Every Home: Relinquishment and Adoption at Washington Children's Home Society, 1896–1915." PhD diss., Washington State University, 1997.

While this dissertation is concerned primarily with a social history of child placement in Washington at the turn of the last century, the first chapter gives a sourced account of the development of Washington law on the subject, including the Washington Lazy Husband Act and the Mother's Pension Act.

## Constitutional Conventions

Airey, Wilfred J. "A History of the Constitution and Government of Washington Territory." PhD diss., University of Washington, 1945. (Available at the Gallagher Law Library, University of Washington.)

Airey provides an almost comprehensive treatment of Washington political history from the state's birth as a territory through the convention and constitution of 1889. While the overall focus is on territorial history, ample coverage is given to legal history as well. Of particular interest are chapter three, "Revised Statutes—a Revolution in Territorial Policy"; chapter six, "The Territorial Judiciary"; and chapter seven, "Martial Law in Washington Territory."

Fitts, James Leonard. "The Washington Constitutional Convention of 1889." Master's thesis, University of Washington, 1951. (Available at the Washington State Library.)

This thesis is a lengthy history of the framing of the 1889 constitution, including the events leading up to the convention.

Meany, Edmond S., and John T. Condon, eds. *Washington's First Constitutional Convention, 1878, and Proceedings of the Convention*. Seattle: n.p., 1924.

This slim volume contains proceedings from the first of Washington's constitutional conventions.

Rosenow, Beverly Paulik, ed. *Journal of the Washington State Constitutional Convention 1889*. Seattle: Book Publishing Co., 1962.

This publication includes the minutes from the constitutional convention, biographical sketches of the participants, and an analytical index.

Wiggins, Charles K. "The Battle for the Tidelands in the Constitutional Convention: Railroads, Jumpers, Squatters and the Public Interest." *Washington State Bar News* 44 (March 1990): 15–21.

The first of a three-part series, this article provides a history of the Seattle waterfront and describes the competing interests in the tidelands.

Wiggins, Charles K. "The Battle for the Tidelands in the Constitutional Convention, Part II: The Harbors Article." *Washington State Bar News* 44 (April 1990): 15–19.

This second part of a three-part series recounts the debate in the 1889 constitutional convention over the Harbors Article.

Wiggins, Charles K. "The Battle for the Tidelands in the Constitutional Convention, Part III: The Lobby Almost Succeeds: The Stalemate." *Washington State Bar News* 44 (May 1990): 47–52.

The conclusion of a three-part series, this article recounts the final resolution of the tidelands issue.

### Constitutional Law and History

Broyles, Glen J. "The Spokane Free Speech Fight, 1909–1910: A Study in IWW Tactics." *Labor History* 19 (Spring 1979): 238–52.

By looking at statutes and arrest records, as well as newspaper accounts, Broyles re-evaluates prior judgments that the IWW achieved a clear victory in the Spokane free speech fight.

Conklin, Frank J., and James M. Vachè. "The Establishment Clause and the Free Exercise Clause to the Washington Constitution—A Proposal to the Supreme Court." *University of Puget Sound Law Review* 8 (1984–1985): 411–60.

This article analyzes the independent development in the case law of Washington's anti-establishment case law and compares the Washington approach to the path pursued by the United States Supreme Court in developing concurrent federal jurisprudence.

Conte, Kenan R. "The Disposition of Tidelands and Shorelands: Washington State Policy, 1889–1982." Master's thesis, Evergreen State College, 1982.

Conte discusses the development of Washington policy regarding the sale of second-class tidelands and shorelands and covers Washington and federal legislation and case law.

Countryman, Vern. *Un-American Activities in the State of Washington: The Work of the Canwell Committee*. Ithaca, N.Y.: Cornell University Press, 1951.

In 1947 the Washington legislature, concerned with Communism, created the Canwell Committee to investigate un-American activities within the state. In actuality, the committee was created to inquire into the political beliefs and associations of the state's citizens, producing a report in 1949. This book provides a detailed examination of the activities and investigations of the committee and of its aftermath, including other investigations and trials.

DeForrest, Mark Edward. "Locke v. Davey: The Connection Between the Federal Blaine Amendment and Article I, §11 of the Washington State Constitution." *Tulsa Law Review* 40 (2004–2005): 295–320.

An analysis of whether Washington has a "Blaine provision" in its constitution to prevent public primary and secondary education from being controlled by any religious sect. It includes analyses of Blaine-style provisions in the Washington Enabling Act of 1889, connections between the Washington constitution and the failed federal Blaine amendment, and political and ideological influence of Blaine on the Washington constitutional convention. Attention is also paid to Washington case law.

Delfino, Pat. "The Harmless Constitutional Error Rule in Washington: What It Was, What It Is, and What It Should Be." *Gonzaga Law Review* 20 (1984–1985): 429–78.

This article looks at the development of the harmless constitutional error rule in Washington prior to and following the announcement of the rule by the United States Supreme Court in *Chapman v. California*.<sup>5</sup>

Dolliver, James M. "The Washington Constitution and 'State Action': The View of the Framers." *Willamette Law Review* 22 (1986): 445–58.

This article, by the then-Chief Justice of the Washington Supreme Court, affords a brief analysis of the intent of the framers of the Washington Constitution with regard to rights of action of private parties for infringement of state constitutional rights.

Gunns, Albert F. *Civil Liberties in Crisis: The Pacific Northwest 1917–1940*. New York: Garland Publishing, Inc., 1983.

This book focuses on a variety of civil liberties issues, from the Centralia Massacre to the flag salute, in Washington, Oregon, and Idaho. While this is a general history, the author covers legislation, prosecutions, and court activity of the period; reactionary legislation; and test cases. It also chronicles the rise of professional defenders of civil liberties, including attorneys such as Washingtonian George F. Vanderveer.

Johnson, Charles W., and Scott P. Beetham. "The Origin of Article I, Section 7 of the Washington State Constitution." *Seattle University Law Review* 31 (2008): 431–67.

Since 1980, the Washington Supreme Court has given effect to the disparity in language between article I, section 7 of the Washington Constitution and the Fourth Amendment to the U.S. Constitution. The purpose of this article is to show that the framers of the Washington Constitution intentionally rejected the

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5. *Chapman v. State Bar of California*, 474 U.S. 848 (1985).



language of the Fourth Amendment and that history does indeed provide guidance on ascertaining their intentions.

Jones, Leo. "Proposed Amendments to the State Constitution of Washington." *Washington Historical Quarterly* 4 (1913): 12–32.

This article presents an account of 164 constitutional amendments introduced into the Washington legislature since statehood. It is organized by constitutional article.

Knapp, Lebbeus J. "The Origin of the Constitution of the State of Washington." *Washington Historical Quarterly* 4 (October, 1913): 227–75.

This is a topically organized account of the influences and purposes brought by the framers of the Washington Constitution to the 1889 constitutional convention.

Knight, Jonathan David. "The Spokane and Fresno Free-Speech Fights of the Industrial Workers of the World, 1909–1911." Master's thesis, Washington State University, 1991. (Available in the Northwest Room, Spokane Public Library.)

Relying on newspapers, personal accounts, and civic records, the author takes a revisionist look at the causes, course, and ramifications of the IWW's free-speech-related civil disobedience in Spokane and Fresno in the early twentieth century. Initially, the actions of the IWW led to a perception of them as rabble-rousers and damaged their cause. However, this perception led to abusive treatment and then to sympathy and a coalition of forces that ultimately re-established free speech and led to civic reform.

Lewarne, Charles Pierce. "The Aberdeen, Washington, Free Speech Fight of 1911–1912." *Pacific Northwest Quarterly* 66 (January 1975): 1–12.

This article recounts the conflict that ensued when the IWW tried to press free speech rights in violation of an Aberdeen ordinance restricting speech on downtown streets.

Magden, Ronald E. "The Schuddakopf Case: Tacoma Public Schools and Anticommunism." *Pacific Northwest Quarterly* 89 (1997–98): 4–12.

A witness before the House Un-American Activities Committee at a 1954 hearing in Seattle accused Jean Schuddakopf's of being "Red." Her refusal to testify against herself set in motion the trials that led to her dismissal as a Tacoma Public Schools counselor. This article is an account of the process to which she was subjected.

Marcus, Jenifer Kay. "Washington's Special Relationship Exception to the Public Duty Doctrine." *Washington Law Review* 64 (1989): 401–17.

This brief comment includes a history of the origins and development of the public duty doctrine in Washington through statute and case law.

Morris, Arval A. "Washington's Loyalty Oath and 'Guiltless Knowing Behavior.'" *Washington Law Review* 39 (1964): 734–60.

A history of two Washington loyalty oaths—1931 (positive loyalty oath) and 1955 (negative disclaimer)—that culminated in the landmark U.S. Supreme Court decision, *Baggett v. Bullitt*,<sup>6</sup> ruling that professors at the University of Washington could not be required to execute the two oaths.

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6. 377 U.S. 360 (1964).

Okada, Dan. "An Analysis of Article XIII of the Washington State Constitution: What Duties Does the Article Impose on Washington to Care for Its Mentally Ill?" Unpublished paper, University of Washington School of Law, 1997.

This short paper looks at the origins of care for the mentally ill in Washington as well as at article XIII (Educational, Reformatory, and Penal Institutions) of the state constitution.

Pitler, Sanford E. "The Origin and Development of Washington's Independent Exclusionary Rule: Constitutional Right and Constitutionally Compelled Remedy." *Washington Law Review* 61 (1986): 459–531.

This student note traces how Washington courts developed rules to exclude evidence obtained in violation of a defendant's right to privacy as guaranteed by article I, section 7, of the Washington Constitution and by the privilege against self-incrimination guaranteed by article 1, section 9.

Snure, Brian. "A Frequent Recurrence to Fundamental Principles: Individual Rights, Free Government, and the Washington State Constitution." *Washington Law Review* 67 (1992): 669–90.

Section 32 of the Washington Constitution requires "recurrence to fundamental principles" as a means of protecting individual rights and free government. The first part of this article examines the historical environment and legal theories as context for the framing of the Washington Constitution in 1889 and then traces the use of section 32 by the Washington judiciary.

Thompson, Jonathan. "The Washington Constitution's Prohibition on Special Privileges and Immunities: Real Bite for 'Equal Protection' Review of Regulatory Legislation?" *Temple Law Review* 69 (1996): 1247–279.

This article compares the prohibition of privileges and immunities of article I, section 12 of the Washington Constitution's Declaration of Rights with the Equal Protection Clause of the U.S. Constitution. Initially, Washington courts tended to see the protection guaranteed by the two charters as "substantially identical." Over time, though, the Washington courts began to base decisions on the independent language and history of the Washington provision.

Utter, Robert F. "The Right to Speak, Write, and Publish Freely: State Constitutional Protection against Private Abridgment." *University of Puget Sound Law Review* 8 (1984–1985): 157–94.

Along the way to concluding that, contrary to the federal constitution, the Washington Constitution protects, and was intended to protect, free speech against abridgement by private actors, the author examines the origins of the Washington provision, the historical background of the constitutional convention, and case law.

Utter, Robert F., and Edward J. Larson. "Church and State on the Frontier: The History of the Establishment Clauses in the Washington State Constitution." *Hastings Constitutional Law Quarterly* 15 (1987–1988): 451–78.

The authors examine the history of the two establishment clauses in the Washington Constitution (article I, section 11 and article IX, section 4). Included in the analysis is an examination of the federal Enabling Act, authorizing the drafting of the Washington Constitution, and in particular the act's request for non-sectarian schools. Finally, they examine the "original intent" of the drafters.

Willis, Terry R. "The Black Hole of Seattle: The Socialist Free Speech Movement, 1906–1907." *Pacific Northwest Quarterly* 91 (Summer 2000): 124–35.

An account of the effort by Socialists to speak on Seattle street corners, with a focus on the conditions in the city jail.

### Courts and Court Documents

Alexander, Gerry L. "The Courts of the Washington Territory: 1853–1889." *Washington State Bar News* 57 (2003): 20–27.

This brief article by the Chief Justice of the Washington Supreme Court highlights a few of the more prominent supreme court justices, their duties, and a few noteworthy supreme court cases during the forty-six years of the territorial courts.

Beardsley, Arthur S. "The Bench and Bar of Washington: The First Fifty Years, 1849–1900." Unpublished manuscript, on file with the Washington State Library, n.d.

It is the view of the author that the contemporary culture of Washington's legal profession was the result of its frontier experience, which demanded strong actors, most of whom were appointed from outside the territory. This is an account of those personalities.

Beardsley, Arthur S., and Donald A. McDonald. "The Courts and Early Bar of Washington Territory." *Washington Law Review & State Bar Journal* 17 (1942): 57–82.

This is a treatment of the early growth and maturation of the Washington territorial judicial system after its emergence from the Oregon Territory. Included are accounts of the creation of judicial districts, early trials, and personalities of the judicial officers of the period.

Fuller, Tim. "'The Most Accurate and Useful Law Books Possible': Wash. Terr., Wash., Wn.2d, and Wn. App—Milestones of Official Case Reporting in Washington." *Washington State Bar News* 59 (November 2005): 22–30.

This article offers a history of the development of the case reporter in Washington from territorial times to date.

Hastings, David W. "Frontier Justice: The Court Records of Washington Territory, 1853–1889." *Western Legal History* 2 (1989): 79–87.

This is a brief article about files unearthed as a result of a 1977–78 survey of historical records in Washington. The files were later indexed in the two-volume *Frontier Justice, 1853–1889: Guide to the Court Records of Washington Territory*.

Hinkle, Van R. "The Juvenile Court Law of Washington—Its History and Basic Considerations for Its Revision." *Washington Law Review & State Bar News* 32 (1957): 376–85.

Among other things, this brief article looks at the history of specialized services to children in Washington and the inception of the modern juvenile court.

*Records Relating to the Appointment of Federal Judges and United States Attorneys and Marshals for the Territory and State of Washington, 1853–1902.* Washington, D.C.: National Archives Records Service: 1951.

This microfilm contains reproductions of records from the Office of the Attorney General of the United States relating to the appointment of federal judges and

United States attorneys and marshals for the Territory of Washington, 1853–1889, and the State of Washington, 1889–1902. It is organized by presidential administration, and then alphabetically by applicant.

Reinhart, C. S. *History of the Supreme Court of the Territory and State of Washington*. Private printing, n.d.

The purpose of this work, written by a former clerk to the Supreme Court of Washington, is to give a brief history of the court and its work, descriptions of individual justices, and some personal reminiscences of the court during the territorial period and the first few decades of statehood.

Rupp, John N. "An Essay in History." *Washington State Bar News* 37 (June 1983): 27–37.

This brief essay is essentially a personal history of various aspects of the early years of the Washington bar, with a look at origins, histories, and leadership.

Schmidt, Eric B. "Voting Patterns of the Washington State Supreme Court—Criminal Cases in the Discretionary Era." *Washington State Bar News* 44 (July 1990): 8–13.

The creation of the Washington State Court of Appeals in 1969 transformed the Washington Supreme Court from a court of mandatory jurisdiction to one of discretionary jurisdiction. This brief article examines the decisions of the supreme court in criminal cases, from 1969–1989, for patterns of decision-making by the court as a whole and by the individual justices, for cohesiveness, and for patterns in deciding which cases to review.

Sheldon, Charles H. "*Calkins vs. Hanford*: The Politics of the Appointment of Washington's First Federal District Judge." *Western Legal History* 11 (1998): 23–38.

As the title implies, this article is an account of the maneuvering to fill the first open federal district court judgeship in Washington after statehood.

Sheldon, Charles H. *A Century of Judging: A Political History of the Washington Supreme Court*. Seattle: University of Washington Press, 1988.

This is a political, as well as historical, study of the judicial process. It begins with a brief examination of the territorial experience and then goes on to look at the context in which the court was placed: how judges got to the bench, who they were, why they behaved as they did, and how that affected their role in the public affairs of the state. The chief framework, though, is set by the history of the recruitment of judges to the court, in which there are five distinct periods, each with a representative resolution to the conflict between accountability and independence.

Sheldon, Charles H. "The Evolution of Law Clerking with the Washington Supreme Court: From 'Elbow Clerks' to 'Puisne Judges.'" *Gonzaga Law Review* 24 (1988–1989): 45–84.

From the origins of law clerking at the Temple of Justice through various clerking models, this article provides a thorough look at the evolving role of the supreme court law clerk.

Sheldon, Charles H. "Fifty Years Ago: The Beginnings of Law Clerking with the Washington Supreme Court." *Washington State Bar News* 41 (October 1987): 15–18.

This is a brief article about the first law clerks for the Washington Supreme Court.

Sheldon, Charles H., ed. "Frontier Lawyering: The Practice of Law in Territorial Days." *Washington State Bar News* 46 (May 1992): 39–42.

This brief article is a short, edited selection from the as-yet-unpublished 2428-page manuscript, "The Bench and Bar of Washington: The First Fifty Years, 1849–1900," by Dr. Arthur S. Beardsley.

Sheldon, Charles H. "The Recruitment of Judges to the Washington Supreme Court: Past and Present." *Willamette Law Review* 22 (1986): 85–128.

The author interprets the history of supreme court recruitment in Washington as an ongoing effort to strike a balance between accountability and independence.

Sheldon, Charles H. *The Washington High Bench: A Biographical History of the State Supreme Court, 1889–1991*. Pullman, Wash.: Washington State University Press, 1992.

It is the author's view that despite tradition, constitutions, laws, etc., in the end it is the justices of the Washington Supreme Court who have made the difference when it came to developing the laws in the Evergreen State. This account provides thumbnail biographies of the eighty justices who served from 1889 until 1991, with a short introductory chapter briefly covering issues such as the evolution of judicial review in Washington, judicial selection, and the decisional process.

Sheldon, Charles H. "The Washington Supreme Court: What It Was Like Thirty Years Ago." *Gonzaga Law Review* 19 (1983–1984): 231–64.

On all courts, according to the author, there is a tension between public accountability (political burdens, or setting policy) and judicial independence (legal burdens, or settling disputes). An analysis of structural variables (institutional factors such as conference procedures, case assignment, and division of responsibilities) and the interaction process (factors associated with collective decisions, such as leadership, personal attributes, and expertise) is applied to the 1952–53 term of the Washington Supreme Court to see how that court balanced these burdens.

Sheldon, Charles H., and Nicholas P. Lovrich, Jr. "Knowledge and Judicial Voting: The Oregon and Washington Experience." *Judicature* 67 (1983–1984): 235–45.

This article is an attempt to shed light on judicial voting by looking at three issues as they pertained to Oregon and Washington, and then apply the findings to examine how the balance between majoritarian accountability and judicial independence of judges is maintained: (1) How knowledgeable are the voters with regard to the candidates? (2) Where do the voters get their information? (3) What are the implications of the varying levels of knowledge?

Sheldon, Charles H., and Michael Stohr-Gillmore. "In the Beginning: The Washington Supreme Court a Century Ago." *University of Puget Sound Law Review* 12 (1988–1989): 247–84.

The authors discuss four essential issues: (1) the politics that influenced the drafting of article IV of the Washington Constitution (establishing the judiciary); (2) the election of the inaugural members of the bench and their backgrounds; (3)

their particular approach toward judicial review (on the activism-restraint continuum); and (4) personal relations between the judges. The last issue is divided into two aspects: the level of agreement among the members of the bench and the effectiveness of each jurist, and analyzed by compiling the 1382 cases heard by the inaugural judges of the court between 1890 and 1895.

Spitzer, Hugh. "Court Rulemaking in Washington State." *University of Puget Sound Law Review* 6 (1982–1983): 31–73.

The meat of this article is a history of court rulemaking in general, with a smaller portion committed to portraying the history of court rulemaking in Washington territory and state within the overall picture of the legislative and judicial tug-of-war over control of the process.

Winberry, Phillip B. "Washington State Court Reform." *State Court Journal* 4 (Spring 1980): 3–33.

This short article is one of a series of state case histories of judicial reform pursuant to a national effort to provide for comprehensive judicial modernization and reform. It provides an overview of efforts toward court reform in Washington State from 1925 through the late 1970s.

Wunder, John R. *Inferior Courts, Superior Justice: A History of the Justices of the Peace on the Northwest Frontier, 1853–1889*. Westport, Conn.: Greenwood Press, 1979.

The purpose of this treatment is to provide a case study, in this instance a history of the justices of the peace in the Washington Territory, as a prerequisite to a broader survey of frontier justice. Wunder concludes that far from being young and restless, uneducated, untrained, and dealing mostly with criminals and violent crimes, justices of the peace, at least in the Washington Territory, tended to be well-to-do property owners, stable, established, sometimes learned in the law, and that most litigation consisted of civil or non-violent criminal actions—a conclusion at odds with a persistent view of a violent frontier.

### Criminal Law and Criminal Procedure

Nock, George R. "Seizing Opportunity, Searching for Theory: Article I, Section 7." *University of Puget Sound Law Review* 8 (1984–1985): 331–74.

This article contains a long section on the history of search and seizure law in Washington under article I, section 7 of the constitution, prior to offering several alternative theoretical bases for future development of search and seizure jurisprudence under state law.

Pfeifer, Michael J. "Midnight Justice': Lynching and Law in the Pacific Northwest." *Pacific Northwest Quarterly* 94 (Spring 2003): 83–92.

This article chronicles the reasons for, and the responses to, use of mob violence in Washington and Oregon to redress issues of "justice" in the decades straddling the turn of the twentieth century.

Spitzer, Hugh D. "Municipal Police Power in Washington State." *Washington Law Review* 75 (2000): 495–518.

This article traces the ebb and flow of local police powers in Washington from their initial focus on public health and safety to broader protection of public welfare to the court's use of "substantive due process" as a brake on these powers.

Walters, Kurt. "The Stop and Frisk Doctrine in Washington and the Rise and Fall of Independent State Constitutional Analysis." *Washington Law Review* 64 (1989): 179–201.

A large portion of this student note traces how, for a brief period, the Washington Supreme Court harnessed article I, section 7 of the Washington Constitution to provide greater privacy protection in stop and frisk cases than required by federal case law, starting with *Terry v. Ohio*.<sup>7</sup> Later, the court backed away from independent constitutional analysis and returned to an analysis that mirrors *Terry*.

### Death Penalty

Hellwig, Leonie G. "The Death Penalty in Washington: An Historical Perspective." *Washington Law Review* 57 (1981–1982): 525–49.

This student comment traces the evolution of the death penalty in Washington since the territorial period, with a focus on two cases that invalidated the 1977 death penalty statute until its reestablishment in 1981. Issues include the right to plead guilty, jury trial, and sentencing provisions.

### Education

Serns, Richard Steven. "The Process and Politics of Education Legislation in Washington State, 1984–1994." PhD diss., University of Oregon, 1997.

This dissertation explores the process and politics of the development of Washington education legislation from 1984–1994. The author provides historical context and also distinguishes reform characteristics of other states. A special emphasis is placed on Washington's reform efforts, and some consideration is given to which of the players were most influential, including the courts, and how that influence was brought to bear.

Troth, Dennis C. *History and Development of Common School Legislation in Washington*. Seattle: University of Washington Press, 1927.

Sourced primarily from original legislation (enumerated in appendix C of the book), this work is an interpretation of the development of Washington's educational system from the early days of the territory until 1924.

### Environmental Law

Allison, A. Reid III. "The Public Trust Doctrine in Washington." *University of Puget Sound Law Review* 10 (1986–1987): 663–75.

This brief article includes a history and analysis of the public law doctrine in Washington, from the nineteenth century through *Caminiti v. Boyle*.<sup>8</sup> The author was frustrated that the courts had been reluctant to use the public trust doctrine to enforce public access to the shoreline and sea.

Charry, Stephen W. "Defending 'the Great Barbecue': W. Lon Johnson and the 1921 Northport Smelter Pollution Suits." *Pacific Northwest Quarterly* 91 (Spring 2000): 59–69.

This article shows how polluting industries such as smelters could defend themselves against nuisance claims when the traditional defense of "prescriptive right"

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7. 392 U.S. 1 (1968).

8. 732 P.2d 989 (Wash. 1987).

no longer held sway. Instead, from deep pockets they could hire scientific studies and expert testimony to persuade juries to return judgments favorable to the polluter.

Crooks, Geoffrey. "The Washington Shoreline Management Act of 1971." *Washington Law Review* 49 (1973–1974): 423–62.

While most of this article is devoted to an analysis of the statutory scheme of the Shoreline Management Act, it also provides a brief look at the law prior to enactment of the statute and the circumstances of enactment.

Hildreth, Richard G., and Ralph W. Johnson. "CZM in California, Oregon, and Washington." *Natural Resources Journal* 25 (1985): 103–65.

This article looks at development and enforcement of coastal zone management on the west coast, state and federal, over a nearly twenty-year period. Individualized focus on each of the three states is provided for the following aspects: public participation, state and local government relationships, enforcement of program requirements, federal consistency with approved state programs, and development in hazardous coastal areas.

Horowitz, Charles. "Riparian and Appropriation Rights to the Use of Water in Washington." *Washington Law Review* 7 (1932–1933): 197–215.

This article reveals the history of riparian rights in the territory and state of Washington until 1930.

Johnson, Ralph W., et al. "The Public Trust Doctrine and Coastal Zone Management in Washington State." *Washington Law Review* 67 (1992): 521–97.

This article traces the development of the public trust doctrine in Washington and, through case law, its employment as a tool for protecting the public's interest in tidelands and shorelands.

Mighetto, Lisa, and Wesley J. Ebel. *Saving the Salmon: A History of the U.S. Army Corps of Engineers' Efforts to Protect Anadromous Fish on the Columbia and Snake Rivers*. Seattle: Historical Research Associates, 1994.

This is a good overall introduction to the issue of salmon protection in the Pacific Northwest. The study contains no legal history, but does include a lengthy list of sources that could, along with the text, be useful in putting the legal history into perspective.

Sheldon, Charles H. "Oil and the Public Trust Doctrine in Washington." *University of Puget Sound Law Review* 14 (1990–1991): 671–708.

The author tries to harness the public trust doctrine as a means to combat or remedy marine oil spills. The history of the doctrine, generally and in Washington, is recounted.

Sheldon, Charles H., and Eileen M. Cooney. "Harbor Lines and the Public Trust Doctrine in Washington's Navigable Waters." *Washington Law Review* 54 (1978–1979): 275–314.

While the authors briefly cover laws governing shoreline and tidelands, federal and Washington, the main focus is on Washington's harbor line system and its development as a way to protect the state's harbors.

Turnbull, Steven W. "The Public Trust Doctrine: Accommodating the Public Need within Constitutional Bounds." *Washington Law Review* 63 (1988): 1087–1109.

This student note traces the development and use of public trust doctrine as a



way of revitalizing the public's pre-existing right in private property, both generally and in Washington. That background is then applied to *Orion Corp. v. State*,<sup>9</sup> a "watershed" in Washington public trust law for asserting the role of the state as trustee for the public.

### Executive Branch

Bergman, H. J. "The Impeachment Trial of John H. Schively." *Pacific Northwest Quarterly* 59 (July 1968): 128–36.

In 1909, Schively was a prominent, popular, and reputedly corrupt Washington politician and Washington's first elected State Insurance Commissioner. This article is about the impeachment trial that ensued when a reform agenda was pressed in the legislature by Interim-Governor Marion E. Hay.

Burke, Timothy P. "The Partial Veto Power: Legislation by the Governor." *Washington Law Review* 49 (1973–1974): 603–16.

This article provides an analysis of gubernatorial vetoes, both "quantitative" (vetoing the entire bill) and "qualitative" (partial), between 1933 and 1973.

Cohn, Samuel F. "Martial Law in Washington Territory." *Pacific Northwest Quarterly* 27 (1936): 195–218.

In 1856, territorial governor Isaac Stevens proclaimed martial law as part of an effort to prosecute an Indian war in the territory. This article presents, in chronological order, the legal implications of that proclamation.

Irvin, Heidi A. "Washington's Partial Veto Power: Judicial Construction of Article III, Section 12." *University of Puget Sound Law Review* 10 (1986–1987): 699–720.

This note provides historical background of two judicial tests to determine the validity of partial vetoes in Washington: the "affirmative-negative test" (a governor can strike, but not add text to, a bill) and the "separate subject test" (while a governor can strike a "section" of a bill, the legislature cannot artfully divide the subject matter of a bill into arbitrary "sections").

Lokken, Roy N. "The Martial Law Controversy in Washington Territory, 1856." *Pacific Northwest Quarterly* 43 (April 1952): 91–119.

This article presents a history of the imposition and use of martial law by territorial governor Isaac Stevens during the Indian wars of the Puget Sound frontier. The author describes the historical setting as well as political and legal ramifications.

Masciocchi, Stephen. "The Item Veto Power in Washington." *Washington Law Review* 64 (1989): 891–912.

This comment provides a brief history of Washington's item veto provision as well as legislative and gubernatorial practices.

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9. 747 P.2d 1062 (Wash. 1987).

## Gender, Race, and Ethnicity

Bauman, Robert. "Jim Crow in the Tri-Cities, 1943–1950." *Pacific Northwest Quarterly* 96 (Summer 2005): 124–131.

Thousands of African Americans arrived in the Tri-Cities<sup>10</sup> during World War II to work in the war effort. This article gives an account of official and nonofficial racial discrimination practiced in the area and legal action against it.

Caplan, Aaron H. "The History of Women's Jury Service in Washington." *Washington State Bar News* 59 (March 2005): 12–21.

This article offers a brief history of the granting, rescinding, and qualified regranteeing of the right of Washington's women to sit on juries until, finally, full participation was recognized in 1967.

Fiset, Luis. "Redress for Nisei Public Employees in Washington State after World War II." *Pacific Northwest Quarterly* 88 (1996–1997): 21–32.

This article provides an account of the injustice suffered by twenty-seven former Washington employees, their fight for, and attainment of, redress for those wrongs.

Goldsmith, Steven. "Takuji Yamashita." *Washington State Bar News* 55 (March 2001): 22–23.

This brief article offers an account of the effort of Takuji Yamashita to join the Washington Bar, which he was denied in 1902, because he was not a citizen. His right to citizenship was denied on account of his ethnicity. Finally, in 2001 he was posthumously awarded honorary bar membership.

Hoffman, Bruce Lowell. "The Cultural Power of Law: The Criminalization, Organization, and Mobilization of Independent Midwifery." PhD diss., University of Washington, 2004.

This dissertation is an overall look at midwifery in the United States, from active criminal treatment to the organization of contemporary independent American midwifery, and it focuses on midwives' legislative activities. A thirty-page chapter on Washington—tracing developments such as the 1917 midwifery law, its subsequent revisions, and establishment of the Seattle Midwifery School—places state law in the overall context.

Knapp, Ralph R. "Divorce in Washington." *Washington Law Review* 15 (1914): 121–28.

This brief article examines the social evolution of divorce laws in Washington, from the territorial period into statehood, with some comparison to other states.

Larson, T. A. "The Women's Suffrage Movement in Washington." *Pacific Northwest Quarterly* 67 (April 1996): 49–62.

The granting of suffrage to women in Washington territory and state had its ups and downs—enacted in 1883, then overturned by the courts in 1887, enacted again in 1888, then overturned again in the same year. Pointedly voted down in the ratification vote for the new constitution in 1889, it was finally made permanent by constitutional amendment in 1910. This short article gives an account of the history and the personalities that made it happen.

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10. An area in southeastern Washington encompassing Kennewick, Pasco, and Richland.

Nomura, Gail. "Within the Law: The Establishment of Filipino Leasing Rights on the Yakima Indian Reservation." *Amerasia* 13 (1986–1987): 99–117.

This article examines how the Filipino community in the Yakima Valley overcame alien land laws to secure leasing rights and establish truck farms on the Yakima Indian reservation.

Pearce, Stella E. "Suffrage in the Pacific Northwest: Old Oregon and Washington." *Washington Historical Quarterly* 13 (1912): 106–14.

This short article lays out in detail, from the onset of territorial status in 1854 until the grant of full suffrage for women in 1911, the efforts to define the parameters of suffrage in Washington in the popular understanding, the legislature, and the courts.

Proebstin, Patricia L. "Washington's Equal Rights Amendment: It Says What It Means and It Means What It Says." *University of Puget Sound Law Review* 8 (1984–1985): 461–84.

This note provides legislative background to Washington's ERA (article XXXI of the state constitution) and compares judicial treatment of equal rights before and after the adoption of the amendment.

Rodríguez, Cristina M. "Clearing the Smoke-Filled Room: Women Jurors and the Disruption of an Old-Boys' Network in Nineteenth-Century America." *Yale Law Review* 108 (1998–1999): 1805–44.

This note examines the postbellum experiments with female jurors in Wyoming and Washington State with a focus on understanding the transformative implications of the mixed jury in challenging the established legal culture.

Wunder, John R. "South Asians, Civil Rights, and the Pacific Northwest: The 1907 Bellingham Anti-Indian Riot and Subsequent Citizenship and Deportation Struggles." *Western Legal History* 4 (1991): 59–68.

This article presents a brief account of the Bellingham riot against Indian immigrants and its aftermath.

Wynne, Robert Edward. *Reaction to the Chinese in the Pacific Northwest and British Columbia 1850 to 1910*. New York: Arno Press, 1978.

While its coverage of geography and social history is broad, this monograph also contains an account of the vigilante activities against the Chinese in the Washington Territory and the legislation those activities forced.

### Growth Management

Settle, Richard L., and Charles G. Gavigan. "The Growth Management Revolution in Washington: Past, Present, and Future." *University of Puget Sound Law Review* 16 (1992–1993): 867–948.

A significant portion of this article gives an account of the history of land use legislation in Washington and the history of Washington's Growth Management Act. It includes a legislative chronology of the Growth Management Act (GMA I and II).

## Guardianship

Dussault, William L. E. "Guardianship and Limited Guardianship in Washington State: Application for Mentally Retarded Citizens." *Gonzaga Law Review* 13 (1977-1978): 585-624.

In addition to defining and justifying guardianship for the mentally disabled, this article provides a review of guardianship law in Washington prior to 1975, and reasons for change in 1975 and 1977.

## Industry and Trade

Soha, Steven P. "A Study in Juristic Realism: The Historical Development and Interpretation of Construction Industry Indemnification Clauses in Washington." *University of Puget Sound Law Review* 10 (1986-1987): 51-103.

A primary purpose of this article is to trace, through case law, how Washington courts have historically interpreted construction industry indemnification clauses.

## Initiative and Referendum

Baker, Gordon E. "Legislative Power to Amend Initiatives in Washington State." *Pacific Northwest Quarterly* 55 (January 1964): 28-35.

This article looks at the history of the twenty-sixth amendment to the Washington Constitution, which allows the legislature to amend, under certain circumstances, initiatives passed by the people. It also looks at the interpretation of the amendment by the state supreme court in 1957 in *State ex rel. O'Connell v. Meyers*.<sup>11</sup>

Bone, Hugh A., and Robert C. Benedict. "Perspectives on Direct Legislation: Washington State's Experience 1914-1973." *Political Research Quarterly* 28 (1975): 330-51.

This article reviews sixty years of experience with statutory initiative and referendum in Washington against the background of the theoretical basis of the process. Specifically, by looking at statewide data, the authors attempt to determine how the agenda has been set and who chooses the mechanism, and examine the degree of success for each. Also, the extent of use of each type of device, as well as voter turnout, is analyzed.

Cohen, Michael L. "Recall in Washington: A Time for Reform." *Washington Law Review* 50 (1974-1975): 29-56.

The first half of this article traces the history of voter recall, "the electoral process by which an elected officer is removed from office before the expiration of the term of office" (p.29), in Washington.

Even, Jeffrey T. "Direct Democracy in Washington: A Discourse on the Peoples' Powers of Initiative and Referendum." *Gonzaga Law Review* 32 (1996-1997): 247-90.

This article contains a section on the history and development of Washington's initiative and referendum laws, as well as the nature and limits of direct democracy as refined through case law and amendment.

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11. 319 P.2d 828 (Wash. 1957).

Johnson, Claudius O. "The Initiative and Referendum in Washington." *Pacific Northwest Quarterly* 36 (January 1945): 29–63.

This article presents an account of how the initiative and referendum process was brought to Washington, and how it was used thereafter, and includes a discussion of court challenges to it.

Shippee, Lester Burrell. "Washington's First Experiment in Direct Legislation." *Political Science Quarterly* 30 (1915): 235–53.

This article offers an account of the first election in which the voters of Washington voted on initiatives and other forms of direct legislation. The process is explained, and each ballot item is described—how it was placed on the ballot and how it fared at the polls.

Trautman, Philip A. "Initiative and Referendum in Washington: A Survey." *Washington Law Review* 49 (1973–1974): 55–87.

While not explicitly a legal history, this article nonetheless reveals how case law and amendment have refined the initiative and referendum process in Washington since 1912.

Warner, Daniel M. "Direct Democracy: The Right of the People to Make Fools of Themselves; The Use and Abuse of Initiative and Referendum, a Local Government Perspective." *Seattle University Law Review* 19 (1995–1996) 47–100.

After providing a brief history of initiative and referendum in the United States, this article addresses what the author sees as problems with direct legislation by examining the experience of Whatcom County, Washington, between adoption of a Home Rule charter in 1978, which provided for direct legislation, and 1992.

### Jurisdiction

Trautman, Philip A. "Long-Arm and Quasi In Rem Jurisdiction in Washington." *Washington Law Review* 51 (1975–1976): 1–31.

This article provides a brief history of long-arm jurisdiction in Washington, as well as an analysis of case law resulting from the 1959 long-arm statute.

### Labor

Aryness, Joy. "Washington's Minimum Wage Law and Its Operation." *Journal of Political Economy* 34 (1926): 691–716.

This article presents a history of the operation of the minimum wage law in Washington between 1913 and 1925.

Crawford, Harriet Ann. *The Washington State Grange, 1889–1924: A Romance of Democracy*. Portland, Ore.: Binfords & Mort, 1940.

While not a legal history per se, this volume provides a look at the legal history of Washington from the point of view of the Grange. The book contains sections covering state government, the state Grange and the state constitution, state government and the railroads, and state lands and the constitution.

Eustis, William Blake. "Last Stand of Indigenous Radicalism: The Washington Farmer-Labor Party, 1920–1924." Master's thesis, Central Washington University, 1991.

This thesis provides background on radical activity in Washington after World War I and legal action and intimidation against it.

Fox, Michael. "Farmworkers in the Yakima Valley." *Washington State Bar News* 25 (November 1971): 5–29.

This brief article gives an account of the effort to organize the Yakima Chief hop ranch in 1970 and its legal fallout.

Slater, Joseph. "Petting the Infamous Yellow Dog: The Seattle High School Teachers Union and the State, 1928–1931." *Seattle University Law Review* 23 (1999–2000): 485–501.

An account of the history surrounding the case of *Seattle High School Teachers Chap. No. 200 v. Sharples*,<sup>12</sup> the article looks specifically at the formation of the teachers' union, the imposition of "yellow dog" (anti-union) contracts, and the union's legal and political fight against the "yellow dog" rule.

Taylor, A. W. "The Operation of the Minimum Wage Law in the State of Washington." *American Economic Review* 5 (1915): 398–405.

This is a brief report on the effectiveness of Washington's minimum wage law after a year of operation, and follows the commission created to investigate wages as it developed the policy throughout that year.

Tozer, Warren Wilson. "The History of Gold Mining in the Swauk, Peshastin, and Cle Elum Mining Districts of the Wenatchee Mountains, 1853–1899." Master's thesis, Washington State University, 1965.

While this treatment is a general account of mining in the region, chapter five analyzes the coming of legal authority to the mining camps, from informal decision making by the miners themselves to state law on a variety of issues.

Tripp, Joseph F. "An Instance of Labor and Business Cooperation: Workmen's Compensation in Washington State (1911)." *Labor History* 17 (1976): 530–50.

This article presents a history of how the two interested parties in the nascent movement toward worker's compensation in Washington were able to come together to effect progressive legislation.

Tripp, Joseph F. "Progressive Jurisprudence in the West: The Washington Supreme Court, Labor Law, and the Problem of Industrial Accidents." *Labor History* 24 (1983): 342–65.

During the first decades of the twentieth century, federal and state courts tended to view and frustrate progressive labor laws through the formalistic interpretive prism of substantive due process. This article shows how the Washington Supreme Court's pragmatic jurisprudence ran counter to that trend.

Tripp, Joseph Frederick. "Progressive Labor Law in Washington State (1900–1925)." PhD diss., University of Washington, 1973. (Available at Historical Society Library Microforms Room, University of Wisconsin.)

This lengthy account of labor legislation in Washington, one of the most advanced of the states when it came to labor legislation during the period under consideration, focuses on the reasons for the laws, the groups involved, and the difficulties faced in enforcement.

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12. 293 P. 994 (Wash. 1930).

## Law and History Research Sources

Beardsley, Arthur S. "Desiderata Pertaining to Selected Legal Materials of Washington." *Washington Law Review* 18 (1943): 51–89.

While the primary purpose of this article is to serve as a guide to primary legal resources in Washington, it also elucidates the history of both legislative and judicial resources.

Gonzales, Paula H. "Annotated Bibliography of Legal History Resources in Washington State." Unpublished paper, available at Special Collections Library, University of Washington, 2000.

This student assignment is a useful compilation of sources for legal history research in Washington, listing histories, biographies, court records, legislative histories, guides, etc., as well as locations of collections and regional archives.

Vogel, Carissa J. "Rediscovering Dr. Arthur S. Beardsley: A Brief Introduction to His Life and Work." *Legal Reference Services Quarterly* 27 (2008): 347–75.

Dr. Beardsley was the law librarian of the University of Washington from 1922–1944. His productive career was also spent as an educator, historian of the Washington courts and bar, and chronicler of the University of Washington's law school and library. This article is a tribute to his career and is a good source for citations to his published work.

## Legal Education

Anderson, Mary Ann, ed. *Marian Gould Gallagher Law Library: An Oral History*. Marian Gould Gallagher Law Library Research Studies Series, No. 4. Seattle: University of Washington School of Law, 1988.

This oral history includes interviews with sixteen participants, including three directors of the law library. There are several appendices that include, among other things, law library statistics, law library locations, and a list of law school librarians, as well as newspaper clippings and photographs about the law school and its library.

Steele, Anita M. "History of the University of Puget Sound School of Law." *University of Puget Sound Law Review* 12 (1988–1989): 309–21.

A history of the law school from shortly before its founding in 1972 until 1987.

## Legislative Bodies and Materials

Beardsley, Arthur S. "The Codes and Code Makers of Washington, 1889–1937." *Pacific Northwest Quarterly* 30 (January 1939): 3–50.

This article is an account of how Washington statutes were codified, officially and unofficially, during the first fifty years of statehood.

Beardsley, Arthur S. "Compiling the Territorial Codes of Washington." *Pacific Northwest Quarterly* 28 (1937): 3–53.

This lengthy history includes accounts of the disputes and personalities involved in periodic efforts to compile Washington Territorial Codes.

Kunsch, Kelly. "Statutory Compilations of Washington." *University of Puget Sound Law Review* 12 (1988–1989): 285–308.

Kunsch surveys the history of the various codifications of Washington law, from the pre-territorial period through the *Revised Code of Washington*.

Roush, J. F. "Legislative Reapportionment in Washington State." *Pacific Northwest Quarterly* 28 (July 1937): 263–300.

This article is an account of how decennial reapportionment disagreements in Washington were approached in the legislature and, ultimately, through initiative.

### Marital and Community Property

Cannon, Kelly M. "Beyond the 'Black Hole'—A Historical Perspective on Understanding the Non-Legislative History of Washington Community Property Law." *Gonzaga Law Review* 39 (2003–2004): 7–28.

After a brief general history of community property laws, the author analyzes early community property statutes in Washington and the debates and reasons behind their adoption.

Hill, Cyril. "Early Washington Marital Property Statutes." *Washington Law Review & State Bar Journal* 14 (1939): 118–25.

A brief examination of marital property statutes and case law during Washington's territorial period.

### Native Americans

American Friends Service Committee. *Uncommon Controversy: Fishing Rights of the Muckleshoot, Puyallup, and Nisqually Indians*. Seattle: University of Washington Press, 1975.

This report reveals the history of treaties, reservations, and the law of fishing rights in Washington.

Asher, Brad. "Coming Under the Law: Indian/White Relations and Legal Change in Washington Territory, 1853–1889. PhD diss., University of Chicago, 1996. (Available at the Washington State Library.)

While to some extent this treatment analyzes local statutes, the core of the dissertation consists of an analysis of local case law, both criminal and civil, involving Native American complainants and defendants in the territorial district courts.

Asher, Brad. *Beyond the Reservation: Indians, Settlers, and the Law in Washington Territory, 1853–1889*. Norman, Okla.: University of Oklahoma Press, 1999.

By seeking to "broaden the understanding of the relationship between Indians and American law" (p.17), this book addresses the function of law in interracial relations in the Washington Territory. Along the way, the author analyzes different types of court cases, prosecutions under federal law (specifically for violations of alcohol prohibitions), conflict between official and popular legal culture, and how the growing importance of legal remedies affected the Indians' own dispute resolution practices.

Blumm, Michael C., and James Brunberg. "'Not Much Less Necessary . . . than the Atmosphere They Breathed': Salmon, Indian Treaties, and the Supreme Court—A Centennial Remembrance of *United States v. Winans* and Its Enduring Significance." *Natural Resources Journal* 46 (2006): 489–546.

An analysis of a Supreme Court decision interpreting treaty rights in the Pacific



Northwest (including Washington).<sup>13</sup> The article also provides background on the ancient right of salmon taking, the framing of the treaty, the tribes affected, and interpretation before, and ramifications after, the Court's 1905 decision.

Blumm, Michael C., and Brett M. Swift. "The Indian Treaty Piscary Profit and Habitat Protection in the Pacific Northwest: A Property Rights Approach." *University of Colorado Law Review* 69 (1998): 407–502.

The authors look at tribal fishing rights in the Pacific Northwest, covering the historical background, treaty rights, and the development of case law, including *United States v. Winans* and *United States v. Washington*.<sup>14</sup>

Buchanan, Charles M. "Rights of Puget Sound Indians to Game and Fish." *Washington Historical Quarterly* 16 (1915): 109–18.

This article examines the Treaty of Point Elliott (1855) signed by territorial governor Isaac Stevens, and its subsequent enforcement.

Coan, C. F. "The Adoption of the Reservation Policy in the Pacific Northwest, 1853–1855." *Quarterly of the Oregon Historical Society* 23 (March, 1922): 1–38.

This article covers both the Oregon and Washington Territories with adequate scrutiny of Washington and the activities of its first territorial governor, Isaac Stevens. Also includes a section on treaty negotiation.

Garretson, Charles Edwin. "A History of the Washington Superintendency of Indian Affairs, 1853–1865." Master's thesis, University of Washington, 1962. (Available at the Washington State Library.)

This thesis recounts the history of the law as applied to the Indians in the Washington Territory, from the formation of Indian policy to treaty making to the application of the policy. It also gives some focus to the challenges facing the superintendence.

Hubbard, Greg Russell. "The Indian Under the White Man's Law in Washington Territory, 1853–1889." Master's thesis, University of Washington, 1972.

While law concerning Native Americans has tended to be federal, more than half of this study focuses on Washington territorial legislation and Washington Supreme Court decisions. It also contains sections on federal Indian policy and on Indian agents.

Keller, Robert H., ed. "Washington State and Tribal Sovereignty: A 1979 Debate on Indian Law." *Pacific Northwest Quarterly* 79 (July 1988): 98–108.

This article contains an address by Washington Attorney General Slade Gorton to "Nation within a Nation: A Symposium on Tribal Sovereignty and Jurisdiction" (a conference held in May 1979) setting forth his views on the subject. The text of Gorton's address is followed by selected responses.

Mulier, Vincent. "Recognizing the Full Scope of the Right to Take Fish Under the Stevens Treaties: The History of Fishing Rights Litigation in the Pacific Northwest." *American Indian Law Review* 31 (2006–2007): 41–92.

Since 1855, nine treaties have been in force between the United States and the tribes and tribal confederations indigenous to the Columbia Basin and northwestern Washington. Overall, they impliedly reserved three essential fishery rights to

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13. *United States v. Winans*, 198 U.S. 371 (1905).

14. 384 F.Supp. 312 (W.D. Wash. 1974) (also known as the "Boldt decision").

the tribes: (1) a right of access to off-reservations fishery sites, (2) the right to up to fifty percent of the fish harvest, and (3) the right to a healthy habitat for spawning and migratory habits. This article follows the courts' attempt to reconstruct and apply the meaning of the fishing rights.

Swindell, Edward G. *Report on Source, Nature, and Extent of the Fishing, Hunting, and Miscellaneous Related Rights of Certain Indian Tribes in Washington and Oregon*. Los Angeles: United States Department of Interior, Office of Indian Affairs, Division of Forestry and Grazing, 1942.

This report presents, among other things, a history of tribal rights to fishing, hunting, and other related activities prior to 1854 and under provisions of treaties executed between 1854 and 1856. It also includes analysis of case law.

White, Richard. "The Treaty at Medicine Creek: Indian-White Relations on Upper Puget Sound 1830–1880." Master's thesis, University of Washington, 1972.

This is a broad treatment of native/settler relations in the Upper Puget Sound. It focuses on a variety of issues, including treaty formation and enforcement against both natives and white settlers, and the development of reservation policy in western Washington. It also covers the desire for the treaties to clarify land title after the Donation Land Act, including the need to formalize what white settlers had already done in that regard; and the coming of American law to the territory.

Williams, C. Herb, and Walt Neubrech. *Indian Treaties: American Nightmare*. Seattle: Outdoor Empire Publishing, Inc., 1976.

This short polemic is about how natural resources, particularly wildlife, were being mismanaged by Indian tribes under terms of treaties litigated in federal court. While the authors' language is pointed, they claim the sharpness is directed at the courts rather than the tribes. Several of the chapters focus on issues relevant to the Pacific Northwest and two, "Bitter Boldt Blow" and "Ruin of a Resource," analyze issues in Washington.

### Public Power

Krause, Fayette Florent. "Democratic Party Politics in the State of Washington During the New Deal: 1932–1940." PhD diss., University of Washington, 1971. (Available at the Washington State Library.)

Good background information on the coming of the New Deal to Washington and how it was implemented. Chapter nine contains an interesting treatment of the strategic, political, and legal conflicts over public power.

Marple, Elliot. "The Movement for Public Ownership of Power in Washington." *Journal of Land & Public Utility Economics* 7 (February 1931): 61–66.

This brief article gives an account of the contest over the public and private ownership of power companies in Washington between 1923 and 1930.

### Real Property and Real Estate

Cullitan, Reginald K. "Inverse Condemnation in Washington State: A Survey of Judicial History Defining Public Rights in Private Property." *Gonzaga Law Review* 16 (1980–1981): 385–413.

This comment reviews the development of property rights in Washington with particular attention paid to how eminent domain, police power, and regulatory takings have created limitations on those rights.

Lazarus, Mark L., III. "An Historical Analysis of Alien Land Law: Washington Territory & State, 1853–1889" *University of Puget Sound Law Review* 12 (1988–1989): 197–246.

This article traces the development of the alien land law in Washington from its feudal roots in England through non-discriminatory laws during the territorial period and its evolution into the more restrictive approach that was adopted by the state constitution.

Majumdar, Rajeev D. "Racially Restrictive Covenants in the State of Washington: A Primer for Practitioners." *Seattle University Law Review* 30 (2006–2007): 1095–117.

After the passage of the federal Fair Housing Act in 1968, Washington passed its own version in 1969. This article examines the development of the Washington approach through statutes and case law.

Roodner, Theodore. "Washington's Alien Land Law—Its Constitutionality." *Washington Law Review* 39 (1964): 115–133.

This comment explores the constitutionality of the Alien Land Law, legislation intended to deny aliens the right to own land if they did not declare a good faith intention to become citizens of the United States. The law had its origins in the late-nineteenth-century animosity to immigrant Chinese laborers. It was upheld by the U.S. Supreme Court in 1923, but subsequent case law indicated to the author that the law might have become vulnerable to constitutional attack.

Settle, Richard L. "Regulatory Taking Doctrine in Washington: Now You See It, Now You Don't." *University of Puget Sound Law Review* 12 (1988–1989): 339–403.

Summarizes federal and Washington regulatory takings law and then analyzes two "doctrinal initiative[s]" (p.343) handed down contemporaneously by the Washington Supreme Court in the *Orion* and *Allingham*<sup>15</sup> cases.

Shackleford, Charlotte. "Donation Land Claims," in *Building a State: Washington, 1889–1939*, edited by Charles Miles and O. B. Sperlin, 403–52. Tacoma, Wash.: n.p., 1940.

This account of the Washington State Donation Claim Land Law of 1850 briefly recounts the purpose, use, and development of the law in encouraging settlement and granting title in the lands of the Oregon Territory, including Washington. It includes a thirty-six-page list of Washington Donation Land Claims by county; a list of accomplishments of, or historical events connected with, some claim holders; and a short account of what became of some of the claims.

Teutsch, Jill M. "Taking Issue with Takings: Has the Washington State Supreme Court Gone Too Far?" *Washington Law Review* 66 (1991): 545–65.

This comment provides a brief look at how Washington courts, within the federal constitutional framework, have tried to develop a way to allow land use regulation without overburdening the regulated.

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15. *Allingham v. City of Seattle*, 749 P.2d 160, *modified*, 757 P.2d 533 (Wash. 1988).

## State, Municipal, and Local Government

Avery, Mary W. *History and Government of the State of Washington*. Seattle: University of Washington Press, 1961.

As an extensive history of the Washington government from territorial times until the mid-twentieth century, this volume is a good place to trace the time line of state governmental development. It includes separate chapters on the government of Washington territory, state executive and administrative departments, the legislative and judicial branches, and county and city governments. While the chapter on the judiciary is rather fundamental, it may be useful as background on the various judicial officers of the state system.

Bancroft, Hubert Howe. *The Works of Hubert Howe Bancroft, Vol. 31, History of Washington, Idaho, and Montana*. New York: Arno Press, 1890.

This volume covers Washington territorial history from 1845 until statehood. While not an in-depth treatment of the legal history of the territory, it nonetheless presents basic legal issues, such as territorial organization, land claims and titles, treaties with the Native Americans, the constitutional convention, divorce, etc., as they arose and were dealt with when Washington broke away from Oregon and moved toward statehood.

Beckett, Paul L. *From Wilderness to Enabling Act: The Evolution of a State of Washington*. Pullman, Wash.: Washington State University Press, 1968.

This book covers the drive to create Washington State, from the carving out of the Washington Territory from the Oregon Territory in 1853, through the Walla Walla Territorial constitutional convention in 1878, to the final push for statehood culminating in the 1889 enabling act. The Organic Act of 1853, establishing the Washington Territory is included in the appendix.

Boone, Michael D. "The Washington Legislature of 1897: A Study in Populism." Master's thesis, Washington State University, 1966. (Available at the Washington State Library.)

This is a comparison of the populist platform in the 1896 election with the actual output of the resultant legislature. Twenty-five pages cover legislative effort on issues such as freight rate, women's suffrage, initiative and referendum, and labor, much of which was initially unsuccessful.

Lay, George Cowles. "The Boundary Dispute Between Washington and Oregon." *The Journal of American History* 7 (July/August/September 1913): 1153-167.

This is a brief account of legal action to settle the dispute over where in the shoals of the Columbia River the divide between Washington and Oregon was intended to be drawn. The resolution had bearing on, among other things, who had what rights to the salmon fishery.

Sebree, Michael Monroe Kellogg. "One Century of Constitutional Home Rule: A Progress Report?" *Washington Law Review* 64 (1989): 155-78.

This comment examines the origin and history of home rule (autonomy for local governments) in Washington. Specifically, it looks at the constitutional provisions for home rule and a century of Washington case law interpreting them.

## Taxation

Carrato, J. Thomas, and Richard W. Hemstad. "Income Taxation in Washington: In a Class by Itself." *University of Puget Sound Law Review* 1 (1977–1978): 255–97.

This article presents the history of judicial interpretation of article VII of the Washington Constitution (Taxation) and its 1929 amendment (amendment 14) which severely limited legislative definition of property classifications for taxation and thwarted attempts to levy a net income tax.

Harsch, Alfred. "The Washington Tax System—How It Grew." *Washington Law Review* 39 (1964): 944–75.

This article traces the evolution of the Washington tax system from territorial times through the 1889 constitution, various amendments and initiatives, and legislative acts.

O’Conner, James V., and Robert E. Schillberg. "A Study of State Income Taxation in Washington." *Washington Law Review* 33 (1958): 398–419.

There have been numerous attempts to enact a net income tax in Washington. Efforts at legislation have been struck down by the courts and efforts to amend the constitution ended in failure. This comment reviews the history of efforts in Washington to levy an income tax and analyses attempted amendments.

Roberts, Phil. *A Penny for the Governor, A Dollar for Uncle Sam: Income Taxation in Washington*. Seattle: University of Washington Press, 2002.

This history of tax policy in Washington looks at how the federal government’s tax system on the frontier during the Civil War created perceptions about taxation among urban and rural residents and framed future tax debates in the territory and state.

Sly, John F. "Tax Developments in Washington State—How We Got This Way," in *Deep In the Heart of Taxes*. (Wash. St. Res. Council., Pocket Report in a Series, No. 1, 1956).

This first in a series of six short pocket reports on taxes in Washington offers a brief review of Washington’s tax history as well as contemporaneous tax policies. Subsequent reports focus mainly on tax policy and fiscal problems of the state, with some emphasis on statutes and other legal developments.

## Torts

Hoexter, Laura. "A Minor Hazard: Social Host Liability in Washington after *Hansen v. Friend*." *Washington Law Review* 68 (1993): 227–47.

This article examines the development of social host liability in Washington, from dram shop acts and the Washington Alcoholic Beverage Control Act through the *Hansen*<sup>16</sup> decision in 1992.

Jaffe, Sheldon H. "What a Long Strange Trip It’s Been: Court-Created Limitations of Action for Negligently Furnishing Alcohol." *Washington Law Review* 72 (1997): 595–623.

Prior to making an argument about the illogic of judicial holdings in the area of

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16. 824 P.2d 483 (Wash. 1992).

tort liability for furnishers of alcohol in Washington, this article traces the development of tort liability from the Dram Shop Act of 1881 through its repeal in 1955 to post-repeal cases.

Marquardt, Dick. *A Study of the Effect of Tort Reform on Insurance Rates and Availability and Its Impact on the Civil Justice System*. Olympia, Wash.: Office of Insurance Commissioner, 1991.

This report to the Washington legislature was mandated by the Tort Reform Act of 1986. It consists of a brief review of Washington tort law, the results of a survey of Washington superior court judges asked to describe the effects of various aspects of the reform, and a fuller description of the various changes in tort law. Also included is a survey of tort verdicts between 1982 and 1990. Due to the time line between charge and delivery of the report, conclusions are not stated in absolute terms. The report contains hundreds of pages of appendices and other documentation.

Stephens, Debra L., and Bryan P. Harnetiaux. "The Value of Government Tort Liability: Washington State's Journey from Immunity to Accountability." *Seattle University Law Review* 30 (2006–2007): 35–63.

This article traces the history of Washington's common law doctrine of government immunity from tort liability, as well as the legislature's waiver of sovereign immunity in 1961 and subsequent reaffirmation of the waiver. It also traces the development of case law, including the public duty doctrine.

Tardif, Michael, and Rob McKenna. "Washington State's 45-Year Experiment in Government Liability." *Seattle University Law Review* 9 (2005–2006) 1–61.

This article includes a history of Washington's 1961 statutory waiver of sovereign immunity, as well as a history of subsequent developments in Washington government liability law.

Vhugen, Darryl S. "Medical Malpractice Statutes of Limitations in Washington." *Washington Law Review* 57 (1981–1982): 317–29.

This comment looks at the history of two common law techniques used to limit the period in which medical malpractice suits could be brought in Washington before 1971: the discovery rule and the continuing course of treatment rule. It then looks at the effect of the medical malpractice statute of limitations from when it was enacted in 1971 until it was amended in 1976.

## Transportation

Conklin, Francis J. "Floating Down the River: *In Re: The Little Spokane*." *Gonzaga Law Review* 17 (1981–1982): 869–904.

This article provides an historical analysis of "navigability," both as developed by federal case law construing state power over navigable water, and in the case law of Washington.

Fitzgerald, John L. "Right of Way at Highway Intersections in Washington." *Washington Law Review* 9 (1934): 19–33.

A brief history of the effort in Washington to define highway intersection right of way through legislation and case law.

Smart, Douglas. "Spokane's Battle for Freight Rates." *Pacific Northwest Quarterly* 45 (January 1954): 19–27.

The Interstate Commerce Act of 1887 provided, with some exceptions, that "no carrier could charge more for the shorter haul than the long haul, the lesser being

included within the longer.” This article is an account of Spokane’s twenty-year effort to undo an exception that allowed for cheaper rates to the west coast.

### Treaties

Jensen, Thomas C. “The United States–Canada Pacific Salmon Interception Treaty: An Historical and Legal Overview.” *Environmental Law* 16 (1985–1986): 363–422.

Apart from providing an analysis of the treaty, this article also includes a history of the treaty negotiations as well as a history of earlier bilateral efforts to share the regional salmon resources.

### Trials

Copeland, Tom. *The Centralia Tragedy of 1919: Elmer Smith and the Wobblies*. Seattle: University of Washington Press, 1993.

A sympathetic biography of attorney Elmer Smith, one of the defendants rounded up to stand trial for the deaths that resulted from an altercation between the American Legion and the IWW on November 11, 1919. Two chapters cover the events of the tragedy itself and the trial that followed. The book also contains information about the Washington criminal syndicalism law and its enforcement.

Henry, Robert J. “The Case of the Golden Apple: The 1958 *Thorndike v. Hesperian Orchards, Inc.* Trial.” *Washington State Bar News* 63 (July 2009): 14–18.

This is the first of a two-part article about how an appellate court crystallized the general rule that an appellate court will not substitute its judgment for that of a trial court on disputed issues of fact. This part offers an account of the trial over a disputed contract to provide Golden Delicious apples.

Henry, Robert J. “The Case of the Golden Apple, Part II: The Supreme Court’s Decision in *Thorndike v. Hesperian Orchards* Corrects a 65-Year Detour in Washington Law and Becomes the Most-Cited Case in Washington Jurisprudence.” *Washington State Bar News* 63 (August 2009): 22–27.

This article is the second of a two-part article on how an appellate court crystallized the general rule that an appellate court will not substitute its judgment for that of a trial court on disputed issues of fact. This part concentrates on the appellate hearing and decision.

Lampman, Ben Hur. *Centralia, Tragedy and Trial: The American Legion’s Account of the Armistice Day Massacre*. Joint Publication of the Grant Hodge Post No. 17, Centralia, Wn., and Edward B. Rhodes Post No. 2, Tacoma, Wn., The American Legion, 1920. Facsimile reproduction. Seattle: Shorey Bookstore, 1970.

This is a Legionnaire’s account of the trial that followed the Centralia Massacre. It is in pamphlet form and is heavily biased against the IWW. While the account may be considered propaganda, it is a contemporaneous source on still-controversial legal events.

Lansing, Ronald B. *Juggernaut: The Whitman Massacre Trial, 1850*. Pasadena, Calif.: Ninth Judicial Circuit Historical Society, 1993.

An account of the sensational trial, held in Oregon City, for an event that happened near what is now Walla Walla, Washington.

McClelland, John, Jr. *Wobbly War: The Centralia Story*. Tacoma, Wash.: Washington State Historical Society, 1987.

A lengthy account of the Centralia Massacre that attempts to provide an objective and analytic treatment of the event and its aftermath, including the trial and appeals process.

### Usury

Davidson, Vern George, and Mark Maxwell Loomis. "Usury: The Choice of Law in Washington." *Gonzaga Law Review* 16 (1980–1981): 259–86.

This article traces and analyzes the development of the history of choice of law in Washington usury cases from early case law through judicial adoption of the Restatement (Second) of Conflict of Laws and up until the statutory enactments of 1980.

### Vice

Clark, Norman. "The 'Hell-Soaked Institution' and the Washington Prohibition Initiative of 1914." *Pacific Northwest Quarterly* 56 (January 1965): 1–16.

This article presents a history of the anti-saloon movement in Washington and the passage of the "Prohibition Initiative" in 1914, including social history and an analysis of the vote.

Rettman, Jef. "Business, Government, and Prostitution in Spokane, Washington, 1889–1910." *Pacific Northwest Quarterly* 89 (Spring 1998): 77–83.

Although prostitution was illegal in Spokane, the ordinance was rarely enforced during the period between 1889 and 1910. This article provides an account of how and why prostitution was tolerated, restricted, and regulated by, inter alia, a system of fines.

Walker, Anna Sloan. "History of the Liquor Laws of the State of Washington." *Washington Historical Quarterly* 15 (1914): 116–20.

This brief article recounts the various forms of liquor laws, including attempts at prohibition, proposed and passed in the Washington territory and state.

### Workers' Compensation

Bruce D. Blumell, "The Development of Public Assistance in the State of Washington during the Great Depression." PhD diss., University of Washington, 1973.

This dissertation looks at the interplay between federal and Washington state efforts at relief under the Reconstruction Finance Corporation (1932–1933), the Federal Emergency Relief Administration (1933–1934), and the Works Progress Administration (1935–1941). There is also some historical treatment of public assistance efforts prior to the Great Depression. While most of the analysis covers the broad federal involvement, there is also specific treatment of the Washington experience, including Washington legislative activity under both the RFC and WPA.