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MOSES ALEXANDER AND HIS ROLE IN THE LUMBER STRIKES OF 1917

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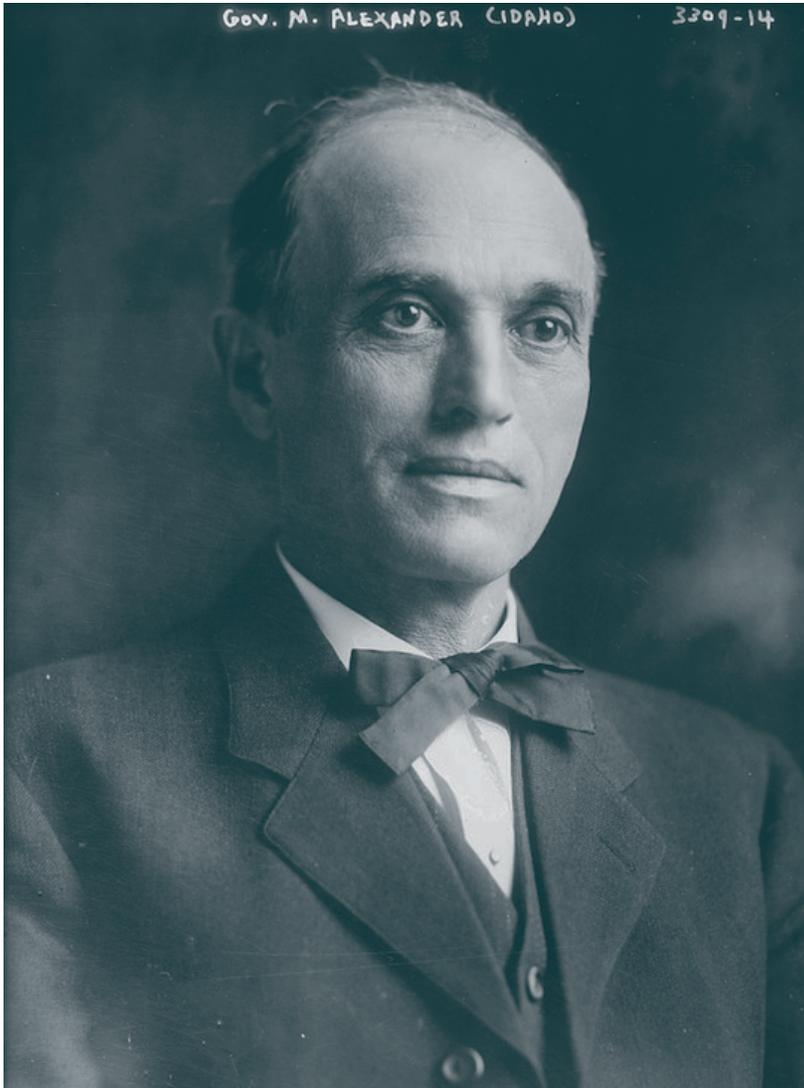
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Born in 1853 in the Kingdom of Bavaria, Moses Alexander would eventually travel across the world and become the first governor in the United States to practice Judaism. He was not always destined for a life in politics; when he moved to the United States, he showed a talent for business and worked in a clothing store in Chillicothe, Missouri. However, he soon became active in the Progressive Party in Missouri. In 1886, he was elected to the Chillicothe City Council. *Continued on page 2*

WINTER 2017

GOVERNOR MOSES ALEXANDER



In 1891 Alexander and his family began a long trip to Alaska. As his family passed through Idaho, they became interested in it and stopped in Boise. Alexander felt that there were great business opportunities in Idaho. He bought an old saloon and opened a clothing store in Boise—the first of several. In 1895, Alexander was integral in leading an effort to build the first synagogue in Idaho, which was completed in 1896.

It was not long before Alexander got back into politics. In 1897, Alexander was elected mayor of Boise on a non-partisan ticket. He ran on what he called an “Improvement Ticket.” He was critical of previous administrations and vowed that, if elected, he would implement the changes necessary to improve the city. He did not run for re-election in 1899 but ran again and was elected in 1901. As mayor of Boise he was instrumental in reorganizing the fire department into a professional body and establishing anti-gambling ordinances. He also proposed an eight-hour workday for municipal employees.

Alexander was the Democratic nominee for governor in 1908

but lost the general election to James H. Brady. In 1914 he ran again, on a platform that was in favor of prohibition and limited government spending. He defeated incumbent John M. Haines to become Idaho’s 11th governor. In doing so, he also became the first elected practicing Jewish governor, not only in Idaho but across the entire country. He was re-elected in 1916 by only 572 votes, defeating his opponent D. W. Davis in the closest gubernatorial election in Idaho history.

During Alexander’s time as governor, he oversaw the initiation of the state highway system, the planning of the bureau of farm markets, the introduction of a workmen’s-compensation bill, the establishment of eight new counties, the enactment of statewide prohibition, settling of labor disputes in the logging and mining camps, and a reduction to the tax rate. He also endorsed the women’s suffrage movement and advocated advancing irrigation and farming developments. During the United States’ involvement in World War I, he pledged state militia troops to the war effort, as he had to the United States Army’s expedition against Mexican revolutionary Pancho Villa in 1916 and 1917.

One of the most difficult challenges that Alexander faced as governor was the 1917 Lumber Strike. Loggers and lumbermen demanded an eight-hour workday, better wages, improvements in the logging camps, and no employer discrimination against Wobblies (members of the Industrial Workers of the World [IWW], which favored revolutionary unionism). Widespread paranoia during the war only exacerbated the problem. Though only loggers and sawmill workers were active in the strike, there was a fear that other industries would be affected as well.

While Alexander was in Washington, D.C., acting governor Ernest Parker had to handle the worsening situation of the lumber strike. Parker was pressured to implement martial law and even found such pleas persuasive. Alexander

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HOW A CLASS-ACTION LAWSUIT IMPROVED MENTAL HEALTH SERVICES IN IDAHO



In 1980, a class-action lawsuit was initiated on behalf of children with mental disorders. It resulted in significant reform and a heightened standard of care for children.

It all started with Jeff D., who claimed that he (and the other children) at State Hospital South in Blackfoot slept in wards with child molesters; would be shackled for 24 hours at a time; and would be given large doses of drugs that would zone him out; and that there was no schooling for the children that were kept in the mental institution. Jeff D.'s story was the catalyst for litigation that would extend for more than thirty-five years in Idaho's courts. Attorneys Charles Johnson and Howard Belodoff initiated the class action on behalf of the children affected by the process. However, those children would not necessarily reap the benefits of the litigation, as the process was slow, and the attorneys chose not to seek monetary damages because what they deemed a fair amount would bankrupt the State. Instead, they chose to seek reform in the facilities used to care for mentally ill children.

The litigation was contentious from the beginning. The State defended actions such as housing children with adults

In 1981, less than a year after this discovery, the American Psychiatric Association condemned the practice of housing children with adults in psychiatric facilities.

by arguing that it was common practice nationally. After some investigating, the attorneys learned that a variety of sexual assault claims were on record at the facility. In 1981, less than a year after this discovery, the American Psychiatric Association condemned the practice of housing children with adults in psychiatric facilities. The first settlement was reached in 1983 but the problems continued. The State would settle but then fail to carry out mandated changes until the attorneys brought the case back to court.

What gave the class-action settlement strength was the fact that the settlement needed to be approved by the court, and thus violations of the settlement could result in contempt hearings. In 2000, after repeated failures to comply with the settlement agreements, the State began to enact serious reform after being berated by Judge B. Lynn Winmill. Governor Dirk Kempthorne added

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contacted Parker and instructed him to do what he could to avoid martial law. During Alexander's absence Idaho teetered on the brink of implementing martial law.

After rushing back to Idaho, Alexander met with the Council of Defense, which continued to push for the implementation of martial law. Alexander managed to avoid doing so and decided to investigate the situation first-hand. He traveled to various logging camps and observed the working conditions. He even sent state Health Department inspectors to investigate some of the camps. Their findings further supported the idea that the strikers had legitimate grievances.

While Alexander acknowledged some grievances, he also recognized that some of the Wobblies were violent extremists. He traveled to various camps and lectured workers on patriotism and nonviolence. In spite of this, violence continued, and Alexander joined several other states in support of the Federal internment of fractious aliens. This led to the imprisonment of about one hundred people from Idaho. Two weeks later, the lumber strike ended, without any demands having been met. That did not deter Alexander from making efforts to address the problems that he saw, though. He spoke to lumber companies and suggested that they improve working conditions and consider the eight-hour workday and better working conditions. He also increased the number of inspections from the health department.

After months of prodding, some of the lumber companies slowly began to implement the eight-hour workday and higher wages. Not all of the lumber companies were as accommodating—many were still sour over the strikes and refused to implement any changes. Eventually the National Council of Defense sent a representative to Idaho to lecture Alexander as well as the state Defense Council on how important unity was during wartime. While relations between Alexander and Idaho's Council of Defense improved, they were never entirely mended. Regardless, with increased inspections and many of the radicals removed from their positions in the lumber force, the work environment for loggers and lumbermen improved.

Alexander chose not to run for reelection in 1918 and instead went back to the mercantile business. He died in 1932 and is buried at the Morris Hill Cemetery near the synagogue that he had helped build before he became Boise's mayor in 1897.

¹ *The Kingdom of Bavaria is now Rhineland-Palatinate, Germany.*

² *The synagogue was eventually relocated from 10th and State Streets to its present location beside the Morris Hill Cemetery.*

Lovin, Hugh T. "Moses Alexander and the Idaho Lumber Strike of 1917: The Wartime Ordeal of a Progressive." *Pacific Northwest Quarterly* 66.3 (1975): 115-22.

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Guide to the Governor Moses Alexander Records 1911-1919. Idaho State Historical Society.

A MESSAGE FROM PRESIDENT ERNEST A. HOIDAL

more legislative funding and began to implement the action items in the settlement agreement. This resulted in seven million dollars being put into the children's mental health fund, more staff positions, and stronger Medicaid. While a step in the right direction, this still was not enough to be in compliance with the settlement agreement, and after several more years of litigation, there still was no end in sight.

As the case continued, the State still needed to implement four major aspects of the settlement: (1) increased mental health screenings in all State agencies and institutions that served children; (2) a system of community-based mental health services; (3) engaging children's families in their care; and (4) monitoring service quality and outcomes. The 2015 settlement agreement intended to address these major issues, and implement further, lasting change in mental health services for children in Idaho. Governor Butch Otter and attorney Howard Belodoff have recognized the pervasive issues with the system and agreed to resolve them through the settlement agreement. While progress in this area has been slow at times, the class-action lawsuit filed on behalf of the children in 1980 has had a significant effect on the State and the children who need mental health services.

Unrelated to the mental health reform, this case took a trip to the Supreme Court and set precedent regarding attorneys' fees. Prior to trial in March 1983, the State offered a settlement agreement that offered more than what Johnson and Belodoff were expecting. However, the settlement agreement also included a clause that waived any claim to attorneys' fees. In order to secure the best results for his clients Johnson agreed to the settlement agreement, yet contested the attorney-fees waiver in court. The District Court approved the settlement agreement, including the waiver clause. The case then went to the Court of Appeals, which reversed the lower court's decision and remanded the case. The Supreme Court of the United States granted certiorari and ultimately reversed the Court of Appeals, thus reinstating the District Court's decision, holding that it is within district courts' discretion to accept or reject fee waivers on a case-by-case basis when appraising the reasonableness of class-action settlement agreements. Thus, the historic lining of the Jeff D. case extends beyond the realm of mental health reform in Idaho, and also has set Supreme Court precedent.

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Russell, Betsy. "Settlement Reached in Long-running Jeff D. Lawsuit over Children's Mental Health Services." *The Spokesman-Review*. N.p., 12 June 2015.

Clark, Bryan. "Settlement Reached in Decades-long Idaho Juvenile Care Case." *The Idaho Tribune*. N.p., 15 June 2015.

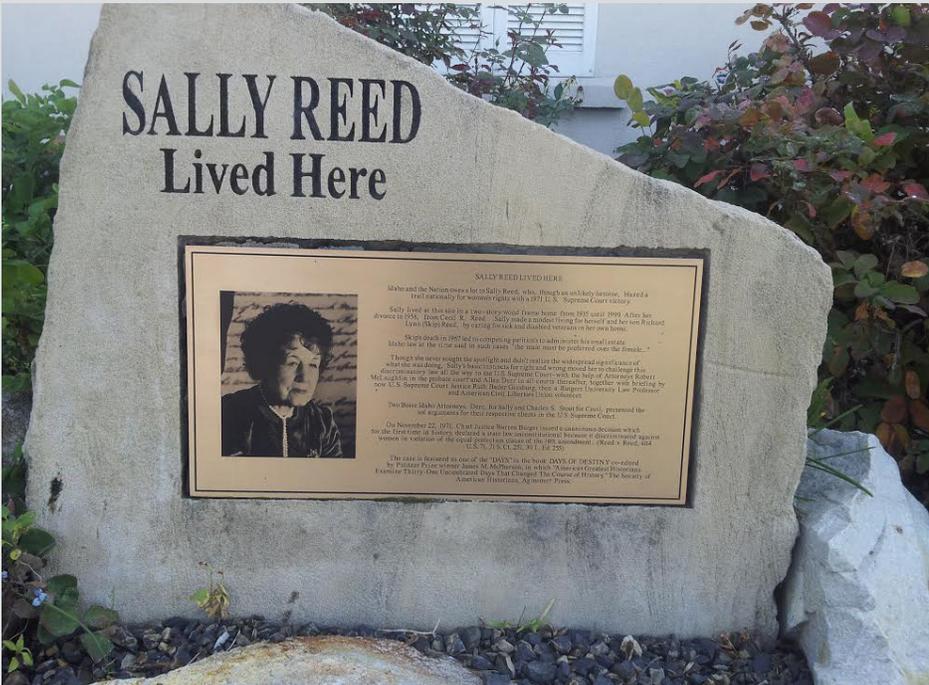
Evans v. Jeff D., 475 U.S. 717, 736 (1986).

Thanks to all who have renewed their Idaho Legal History Society membership after we forwarded renewal requests in mid-December 2016. Our goal is renew our memberships for each ensuing calendar year and members who did not renew in December 2016 or January 2017 will receive a gentle reminder in March 2017 for the calendar year dues of 2017. Our Oral History Project under Dianne Cromwell's direction has enlisted the assistance of Steve Kenyon, Clerk of the Idaho Supreme Court to streamline the processing of our collection. Board member Judy Austin continues to review our legal history book, *Tents to Towers: 150 Years of Legal Practice in Idaho*, which we plan to publish before the end of 2017. Will Fletcher and Brenda Bauges are continuing to refine their Academy of Leadership for Lawyers Legacy projects with engaging and educational events and publications. Your continued support helps us preserve the legal history of Idaho. We urge you to join us and encourage your participation with your volunteer time and ideas.



ILHS President Ernest A. Hoidal

CHARLES R. DONALDSON AND THE *REED V. REED* CASE



Charles R. Donaldson sat on Idaho’s highest court from 1969 to 1987. However, one of the most notable cases he presided over was *Reed v. Reed*, which he heard as a district judge in 1968.

Sally and Cecil Reed were a divorced couple who were in conflict over who would be designated as the administrator of the estate for their deceased son. Sally was a single mother who earned a living by caring for disabled people in her home. Cecil had deserted Sally and their son when the boy was three years old. Sally maintained that Cecil was an abusive husband. When their son became a teenager, Cecil wanted to get back into his life and sought custody. Cecil eventually was awarded partial custody of his son, which resulted in him spending some time with Cecil. After this, though, Sally and Cecil’s son died from a gunshot wound in his father’s basement. While the wound was determined to be self-inflicted, Sally thought her teenage son’s death was suspicious: Cecil had recently purchased their son a life insurance policy, and he had died without a will.

Even though Sally had raised their son and had been with him his entire life, Cecil was named the administrator of the estate due to the Idaho Code. The Idaho Code stated that “males must be preferred

to females” with respect to the appointment of administrators of estates. The statute was quite clear, and seventeen attorneys declined to represent Sally before attorney Allen Derr agreed to do so. He acknowledged the law but believed it should not be the law. Judge Donaldson agreed, ruling that bias against women had no basis in fact in modern society. Judge Donaldson further held that there was “no reasonable basis for the classification which gives preference to males over females.”

Judge Donaldson’s ruling was overturned by the Idaho Supreme Court. This, however, was only a temporary defeat. On November 22, 1971, the Supreme Court of the

United States unanimously held that a law discriminating against women was a violation of the Fourteenth Amendment’s Equal Protection clause. By the time the Supreme Court had vindicated Charles Donaldson, he had been elected to serve as a justice on the court that had overruled him. Justice Donaldson was not shy about reminding the other justices that he had been right when he issued his district court ruling. Donaldson’s ruling paved the way for one of the first landmark decisions by the Supreme Court that established women’s rights in the United States. The combined efforts of Idaho’s Sally Reed, Allen Derr, and Charles Donaldson would be one of the first steps towards equality in the country.

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To collect and preserve records, relics, oral histories and other things of interest to Idaho's legal history, and to make the same accessible for public examination;

To encourage interest in Idaho's legal history through meetings, presentations, lectures and other public forums;

To procure or publish and distribute historical material for educational purposes, the proceeds of which, if any, are to be used exclusively for the express purposes of the Association.

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