

MARLA RAE\*

## Dave Frohnmayer: Legacy, Schmegacy

I grew up with a real sense that an individual can make a difference, and that if you can, you should.” Typical Dave Frohnmayer. Inspiring. Caring. Humble.

“I carried Dave Frohnmayer longer than his mama.” Typical me. Irreverent. Sarcastic. Humiliating.

I have never before been asked to write for a law review<sup>1</sup> and I suspect this effort demonstrates that there is good reason.<sup>2</sup> I am, as Dave was quick to point out, not JD-impaired. Heck, my degree is an Associate of Arts. But I served for a few decades as one of Dave Frohnmayer’s sidekicks.

Others will tell you about the legacy stuff. They will extol Dave’s legal brilliance. Some might highlight his billion dollar fundraising history for his beloved University of Oregon. Others may even describe his life-long commitment to public service. That’s all true, but it doesn’t complete the full picture of the tall, lanky, ill-dressed dude who, in recent years, sported the worst beard I have ever seen.

So here is some of what Paul Harvey called the rest of the story.

Dave was frugal—OK, he was cheap. When he first ran for attorney general, he drove a navy blue Volkswagen Beetle. He drove it into the ground, literally. He used the dead bug as a prop at the 1980 Oregon State Fair to display how many miles he traveled campaigning around

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\* After turning him down three times, Marla Rae left her job as a radio news director in Bend to work for newly elected Attorney General Dave Frohnmayer in 1981. She served as his executive assistant until Dave left to become dean of the University of Oregon School of Law. Rae held the same position with Attorney General Ted Kulongoski, although she was more respectful of Ted.

<sup>1</sup> I have been told that every law review article needs a footnote.

<sup>2</sup> *Oregon Law Review*’s goal is to advance legal scholarship.

the state. Then, he upgraded to a powder blue Volkswagen Rabbit. Diesel was much lower in cost back then.

He certainly didn't spend any of his purported petroleum savings on his wardrobe. There were several occasions when he would show up at the office in Salem to my greeting of "did you dress in the dark again this morning?" It took more than just my ribbing to get him out of those stupid zip-up-the-side boots that barely covered his ankles. It took George, the shoe repair guy on High Street in Salem, telling him that a third patch on the sole was a waste of money.

Dave thought he had musical talent. His siblings most certainly had the talent. Sure, Dave was in the marching band at Medford High School, but that didn't necessarily translate to singing abilities. I was there when the proprietor of the Dubliner Tavern in Washington, D.C. cut the microphone as Dave settled in to his second verse of "Danny Boy."

I was the road manager for Frohn's Tones. It was a ragtag group that performed at the annual Dorchester Conference. The tent show always was set for Saturday evening. The Tones would gather (a tad of alcohol was involved) around 3:30 p.m. Saturday afternoon. We would write parody songs based on the day's discussions. Then Dave and his sidekick would get on the stage at the Seaside Convention Center around 8:00 p.m. that night and belt it out. The Tone's motto: "It might not be good but it sure is fresh." With Don Fordyce strumming either the guitar or banjo, Dave would believe the world was his stage. And it was. Even with the goofy Australian hat. Even with the zip-up-the-side boots. I think our biggest hit was Dave doing a solo of "you picked a fine time to leave me here, Neil" in 1989, sung to the tune of Lucille.

Dave struggled to be funny. If you heard the "prepare three envelopes" joke once, you remembered it. When you heard it seven times in seven speeches, the collective eye rolling in the audience could have caused a small tsunami. His invitations to be a roaster at a tribute for some pooh-bah would send him into a frenzy. The most likely result was his attempt to tailor a quip from last month's *Readers Digest* to fit the occasion.

I am not making this up.

Dave was a hopeless pack rat, as any visitor to any of his offices could attest. Why on Earth does one need to keep ancient copies of TWA in-flight magazines advertising the latest techno-gadget for a "limited time offer of just \$149.95?" Right, like he'd spend that kind of money. And how useful is a yellowed newspaper article on leadership from the *Sacramento Bee* in 1973? How about a column

from Ann Landers on how to craft a memorable thank you note? Exasperated, I developed the FART system for cleaning off his desk. Touch every piece of paper only once, then File, Act, Refer, or Toss. FART. Dave mastered FAR.

Want to talk about table manners? Never sit across from him while he was eating potato chips, particularly if your mother, like mine, told you to chew with your mouth closed. With a bowl of soup, expect to see it on his tie later in the afternoon. Salad? Some would land across the salt and pepper shakers, or more likely near his zip-up-the-side boots.

I am not making this up. Dave Frohnmayer was far from perfection.

He had his vices. Drove Lynn nuts. Cheap cigars and Boodles gin. Really cheap cigars. Remember the Grenadier Greens? They came four to a pack for three bucks. Seriously cheap and seriously stinky. Lynn and the kids harped on him when he got caught. His daughter Kirsten, then age nine, posted a crayon-colored sign on his morning mirror that reminded him that “smoking sucks.” A few years later, Dave tried to convince his family that the cigars were actually a crime prevention device. When a Eugene police officer drove a burglary suspect through the Frohnmayer neighborhood, the officer asked the perp to identify the houses he had hit. He had burglarized all of the houses on Baker Boulevard except the Frohnmayer home. Why? The perp said, “because there was always this tall, skinny guy on the porch smoking a cigar.” We went to calling Dave “McGruff.”

The Boodles gin is the stuff of a small group of insiders. We swore to the secret, complete with a handshake. So, while I am doing the closest thing to a “kiss and tell” book, I was the one with the assignments for Dave’s appellate court team when they went to the U.S. Supreme Court.

*Jim Mountain:* Get a roll of Certs; Dave gets hypoglycemic. Be prepared to jump over the ledge when he is smoking his cheap cigar as the wind comes up and takes his argument notes into the shrubs.

*Gini Linder:* Make sure there are plenty of yellow tablets, triple-check his cites, and take the three-hole punch.

*Bill Gary:* Keep Dave focused and remember to get the Boodles gin for the post-argument gathering, then call me to tell me how it went.

The Boodles made the post-argument debrief much more interesting.

Dave was very concerned about the public image of the attorney general. He realized that the attorney general wasn’t really Oregon’s top cop, yet he willingly assumed the role of the dignified spokesperson

in support of the “front line.” He was determined to help law enforcement fight the scourge of drugs in the mid-80s and try to help make the case to the business community that the drug war was one worth fighting. So Dave gets scheduled for a big dang deal speech before the Eugene Chamber of Commerce. He spent many, many hours refining his message. He wanted his message to be clear: the general public was concerned about the human costs and the drain on government resources caused by drug abuse. After the much-covered speech, Dave was certain that he hit a homer and that his tough sermon resonated. Until the next day. The *Register Guard* front page, bottom fold headline blared: “Frohnmayr on drugs: People are fed up.”

Dave often described the role of attorney general as the one who stands at the intersection of law and public policy. When he lost the governor’s race in 1990, Dave said: “Well, that was an uncomfortable place to be. Maybe I should have paid more attention at that intersection when the horns were honking.”

So by now you may have figured out that among my mottos is “a cheap shot is better than no shot at all.” Throughout the many years of serving Dave and his family, Dave was accustomed to my irreverence. Frankly, I would like to believe he depended on it. It kept him grounded. It kept him focused on a bit of common sense rather than what was written in the Federalist Papers. And I hope—no, I know—that our time together was far more beneficial to me and generations of Oregonians than it was to Dave.