

Helen Jackson Frye (1930–2011)

By Jeffrey Kovac

Helen J. Frye was the first woman to serve as a judge of the Lane County Circuit Court and the first woman appointed to the U.S. District Court for Oregon. In 2000, she received a meritorious service award from the University of Oregon Law School. As a District Court judge, she presided over several high-profile cases, including the incorporation of the community of Rajneeshpuram, the protection of the northern spotted owl, and an illegal search-and-seizure case that was eventually reviewed by the U.S. Supreme Court.

Helen Elizabeth Jackson was born in Klamath Falls on December 10, 1930, the daughter of Elizabeth Kirkpatrick and Earl Jackson. She grew up on a farm in Malin, about thirty miles southeast of Klamath Falls, and was only three years old when her father died. After her mother and younger brother were hospitalized for tuberculosis, she lived with her maternal grandparents on the farm in Malin until she was in the fourth grade. She then moved with her mother and stepfather to Klamath Falls, where she graduated from high school in 1949.

Jackson enrolled at the University of Oregon on a scholarship and worked to help pay for her education. She married fellow student William Frye in 1952. She was elected to Phi Beta Kappa and received a bachelor's degree in English in 1953. After a year of graduate school, she taught English at Eugene High School until she was forced to resign because she was pregnant. At UO, she found work as a tutor for the athletic department and was a grading assistant for the English Department. She returned to teaching after the birth of her second child and earned a master's degree in education in 1961.

After a few years as a teacher, Frye concluded that she did not enjoy the work, and in 1963 she entered the University of Oregon law school, one of three women in a class of seventy-two. She graduated in 1966, passed the bar exam, and entered private practice in Eugene, initially working for the Riddlesbarger Peterson firm and later joining her husband's firm. In July 1971, Governor Tom McCall appointed her to the Lane County Circuit Court.

While on the court, she heard an early criminal case against Dayton Leroy Rogers, who would become one of Oregon's most notorious serial killers. On February 13, 1973, Rogers pleaded guilty to second-degree assault and was placed on four years' probation for stabbing a fifteen-year-old girl. After he was arrested in August 1973 for attacking two teenaged girls, the prosecutors wanted his probation revoked, but Frye found him not guilty of assault by reason of mental defect. As a result, Rogers was sent to the Oregon State Hospital in February 1974, but he was released in December. In 1988, he was convicted of the murder of Jennifer Lisa Smith and was convicted of six more murders the following year. Known as the Molalla Forest Killer, Rogers was sentenced to death four times; the Oregon Supreme Court overturned all four sentences. On December 13, 2022, Governor Kate Brown commuted the death sentences of everyone on death row in Oregon to life without parole.

During the late 1970s, President Jimmy Carter wanted to diversify the courts by appointing more women, and when a vacancy in Oregon occurred in 1979 he nominated Helen Frye to the U.S. District Court. The Senate confirmed her appointment in February 1980, and she moved to Portland. She married Perry Hollomann that June. (Helen and William Frye had divorced in 1975.)

During her years on the bench, Judge Frye presided over a variety of cases, including *State of Oregon v. City of Rajneeshpuram* in 1984. In her 1985 ruling, she invalidated the establishment of the town of Rajneeshpuram in north-central Oregon, determining that it was an unconstitutional merging of church and state. The followers of Bhagwan Shree Rajneesh had established a community on Muddy Ranch, outside the town of Antelope in Wasco County, and were trying to incorporate it as a town, a move opposed by county officials and Attorney General David Frohnmayer. Frye's ruling was eventually overturned by the Oregon Supreme Court, but by then the community had imploded.

Frye was also involved in the controversy over the northern spotted owl. In 1988, the judge dismissed a suit by environmental groups challenging a logging plan developed by the Bureau of

Land Management (*Portland Audubon Society v. Hodel*), ruling that the plan could not be reviewed by the courts. Her ruling was based on Section 314 of the Department of Interior Appropriations Act, which prohibited court challenges to existing BLM plans. She also criticized the BLM for its "arbitrary and capricious" failure to take account of the survival of the spotted owl in its plan to allow timber harvesting.

In 1992, Frye heard a case where a U.S. Department of Interior agent had used a thermal-imaging device to scan the residence of Danny Kyllo, who was suspected of raising marijuana. The images showed excessive heat emanating from his house, probably from high-intensity lamps. Combined with other evidence, a magistrate judge issued a search warrant, and the operation was discovered. In the subsequent trial, Kyllo moved to suppress the thermal-imaging evidence as an unlawful search and seizure. Frye dismissed the motion, and the appeal made its way to the U.S. Supreme Court. In *Kyllo v. United States* in 2001, the Court reversed Frye's decision and ruled that the use of thermal-imaging devices to monitor radiation in or around a person's home is unconstitutional without a search warrant.

Helen Frye retired from the District Court in 1995 and for several years continued working part-time as a senior judge. She died in Portland on April 21, 2011.

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