

Tape 29, Side 1

CH This is an interview with Governor Victor Atiyeh at his office in downtown Portland, Oregon. The interviewer, for the Oregon Historical Society, is Clark Hansen. The date is May 26, 1993, and this is Tape 29, Side 1.

So we were talking about bills that you don't sign, and I was wondering, if you do sign a bill, or if you don't, in either case can you, like representatives and senators, state your reasons for or against the bill for or against signing, signed with exceptions?

VA Yeah. When I vetoed or sent it back without signature, they always come with a message.

CH So there's an explanation.

VA An explanation as to why I did what I did, yeah.

CH Well, you vetoed a number of other bills this session, and I just thought I'd run through a few of them. There's a bill which would have prohibited persons from operating aircraft with .03 alcohol in their blood. The feds already had those rules, didn't they?

VA Yeah.

CH So why was the state - you were vetoing something because it was on the state level and it was no longer necessary because the feds had it?

VA Yeah. It was just redundance.

CH Is there any attempt in a legislature to screen out those kinds of bills that - I would think that the legislative counsel would - staff would say...

VA That's not their job. Their job is to, really, write bills. I asked them to draft a bill, they're the legal part of the legislative branch of government, and that's their job.

CH But they have to - when they write bills, don't they have to - they have full knowledge of all the other laws that were written that particular subject.

VA But you have laws, and, then, you have rules and regulations. Actually, the rules and regulations take up more space than the Oregon Revised Statutes do. What they look for is conflicts with an existing law.

CH You also vetoed bills requiring local governments to compensate billboard owners for billboards that were removed. Was this something that was initiated under the whole removal that began with...

VA Lady Bird.

CH Lady Bird, and here in Oregon Maurine Neuberger had a lot to do with that as well.

VA Fundamentally, the removal that took place gave a huge lead time. In other words, billboard operators in those locations had a long lead time that they could recoup the - obviously, they weren't going to get anymore business, but they could recoup, certainly, any losses they might have sustained. There was, effectively, no loss from the removal of a billboard.

CH So there was no need to compensate them.

VA No.

CH Another bill vetoed was dealing with the Bureau of Labor Records, and I don't have any more information about that.

VA I don't remember anything about that.

CH And you also vetoed Senate Bill 906 that would have created a committee on controlled substances to oversee the sale of drugs but could specify the amount of marijuana a person could possess.

VA Yeah. Well, I think it's the latter part that - a little bit's too much.

CH So in other words, it was the part that would allow for a person to possess any amount of marijuana which caused you to veto that?

VA Yeah. I have really lamented, and indeed that's true, when we did pass the law, which I voted against, that made the possession of one ounce of marijuana a misdemeanor rather than a felony. It wasn't so much that I thought, well, one ounce is a terrible thing. There was two things involved, one of which was the state is blessing the use of marijuana. Nobody makes, really, the distinction of one ounce. Obviously, those that are dealing with and are smoking it, they know about the one ounce, but the message out there is it's okay to smoke marijuana. Second, I have no question in my mind that the use of marijuana is the beginning, and you graduate to other drugs. You don't instantly go to heroin, you start with marijuana and you go up from there, and that that was not good for the human body, not

good for society. So it wasn't just, you know, an instant reaction to say one ounce is bad news, it's just what the one ounce said and where it takes you from there.

CH Did you ever have people that confronted you in terms of marijuana versus tobacco?

VA Oh no.

CH Because I've heard some people use the same rationale for...

VA Yeah, but I didn't go from cigarettes to marijuana to crack [laughter]. I stayed with cigarettes.

CH Then, you vetoed Senate Bill 689, which would have classified members of the State Board of Parole as police officers and permitted them to receive enhanced retirement benefits.

VA Yeah. I, again, didn't think that that was essential and necessary.

CH This was an interesting one. You vetoed a bill which would have continued the registration of auctioneers. It seems like the state is involved in so many boards, creating boards of licenses and things like that, that - what was your intent? Just to reduce the amount of bureaucracy?

VA What was that?

CH To reduce the amount of bureaucracy by not having the continuation of the registration of auctioneers?

VA It really wasn't essential. You see, I come from the retail business. I have a personal philosophy about that. That is that, you know, if you overprotect people, they'll continue to make mistakes. I learned, you learned, most people learn when they make a mistake. That's how you learn. And so what are we doing out there? We're talking about people that are going to auctions, and for some reason we're going to say, We're going to license you folks, then you don't have to worry about this anymore. You're well protected, and you've got the straight-arrow auctioneer. Go out there, get taken, and you won't do it again. That's one facet. The other facet is that there's no way in the world the state can actually police all of these boards of commissions. There's no way we can assure the public, indeed, that they're getting the protection they think they're getting, and so we're really deceiving people. When somebody says, I'm a licensed auctioneer, that somehow converts in their mind that this - now we're protected. We've got somebody that's a licensed person. And, yet, there isn't any way we can police that. So really we're even in more danger. We're in danger because we believe we're protected. Now we really believe we're protected; we don't have to worry. Where there's no protection, then you're on your own; you better start worrying. That, to me, made better sense.

CH There was another bill, Senate Bill 111, which would have permitted juvenile court judges to order specific care, placement, and supervision of children placed under the state children's services division. You said, in reference to that, The bill is impractical and an unwarranted intrusion by the judiciary into the executive and legislative branches of government. Why was this an intrusion, or how was it an intrusion?

VA Well, it was actually - you're back to what I said before. Remember I told you about three branches of government and how I protect - when I was a legislator I protected our rights, when I was a governor I protected our rights. I was angry the early time with LBJ as president. He was getting everything he wanted. I was angry at the legislature. I was in the legislative branch at the time, and I'm saying to myself, Look, you are a separate branch of government. Don't give your authority to the executive branch of government, which is what they were doing. This is another example of what I think is orderly government, division of powers between different branches. The judicial is the area in which they make these decisions. But that's not for them to then, once they make it, continue supervision of it. That's not their role.

CH We may have discussed this earlier, I can't remember, but the view from the judiciary is often that it's because the legislature doesn't make the rules that gives them the guidance as to what to do that forces the judiciary, then, to take de facto legislative action.

VA Yeah, but that's - I resent that. If they are not doing it, it's not up to the judiciary to fill their place. It's up to the people to change the legislators, it's up to somebody to blow the whistle, it's up to a governor to stop these things from going on, it's up to the media to deal with it, to point it out. It's not up to the judiciary, anymore than it would be for the legislature to sentence somebody to jail. Well, you're not sentencing this person; certainly, you're not sentencing him severely enough, so we're going to sentence him. Why, all hell would break loose because we're invading the judicial branch of government. And, like I said, when - I remember vividly how angry I was at the legislative branch of government for giving

LBJ anything he wanted. And it's not that I - you know, I know even this governor wasn't right all the time, that they are abandoning their responsibility in the legislative branch of government. So to me - you've heard me say time and time again. We have a democracy, it's set up in a very orderly way, and there's a certain responsibility given to the three branches of government, and they should all act up to their fullest responsibility to those that are given to them. They should not invade the territory of the other.

CH I imagine that, with the complexity of law, it gets difficult to be able to interpret what was actually intended by the legislature.

VA Well, that's when the courts have to get into intent. Yeah, that's hard to deal with. Some legislators get up and they put something on the record in case it's - the case comes up. On the case that we were talking before the before on the tape, and we're coming back to it, where the line-item veto - the courts went back to the time when the arguments were made about that provision in the constitution. So they go back to the record to try to find out, but there are times where you just can't figure it out. Still, it's not up to the courts, then, to fill that gap. It may be - it certainly would be up to the courts to take special note that there is a gap, but it's not their responsibility to fill it, nor is it the responsibility of the governor. It's the legislative branch. Or, on the other hand, if it's something in the administrative side of government, to point it out but don't fill it. Tell the governor.

CH If people get sort of paralyzed by the inaction of a branch of government that is not fulfilling its obligation, then what do you do about that?

VA Well, there's an election for house members every two years, an election for the state senate every four years, an election for governor every four years...

CH So you'd wait till the next election.

VA That's right. You go way back to Jefferson, and he says, Now the people have the kind of government to which they're entitled, or, will have the kind of government to which they're entitled. He's saying to the degree that the people take an interest in what's going on, they're going to have a good government; to the degree they don't, they won't. And then we start talking about voter apathy and all the rest of it. There's a lot of people that just are totally apathetic. And, then, they also are probably the loudest bitchers as to when something goes wrong. What do you do? You just - you know, you've got a chance to make a change in two or four years.

CH There are some other issues here in that session, and there's probably some area that we can just skip over, there are so many things that that legislature dealt with, but there was - well, I notice here - this might have been of personal interest to you. There was an extension of the smoking ban in state agency meetings to city councils and city commissions and county commissions and other local agencies. Did you involve yourself at all in any of those issues?

VA No. And some just came up this last session, as you know. All during the time I was in the legislature or as governor I never impeded any laws that related to antismoking. However, this time I did. I wrote to some legislators and I said, The time has come when enough is enough. I said, You really don't need to pass - it, incidentally, failed in the house of

representatives. You don't need another law. The nonsmokers don't really know this, but a smoker does, how effective the nonsmoking syndrome is out there. I walk by buildings, and I'll see people stand out in cold weather smoking because they can't smoke in the building. I wrote a letter to them and told them that in the airport it says smoking in designated areas only. I can't find that designated area. I don't know where it is. But, you see, you have to be a smoker to understand how pervasive this thing is. So I'm saying to them, Why pass another bill? Will it make you feel good for cosmetic reasons? You don't need it for any other reason. Restaurants, if they think it's to their own benefit, there are smoke-free restaurants, totally smoke-free restaurants. They figure it's in their best interest to do that. Corporations do it for PR reasons or even commercial reasons. So it's working. But up to this time I never impeded any antismoking legislation.

CH There was another bill that allowed property tax exemptions for gasohol production plants where gasohol was just sort of coming onto the scene about that time. How did you feel about alternative energy setups?

VA I thought we ought to encourage it all we can. Alternative energy actually works. It's interesting, the standard, really, is the price of oil, and if the price of oil is low enough, then there's no reason - society doesn't see any reason to go to something else. When the price of oil goes up, then they begin to see the reason, and then it makes economic sense. The cost of producing gasohol versus gasoline for an automobile becomes closer, and so then it makes some sense. I know someday that there won't be any oil because it's a nonrenewable resource. Every day there's less of it, and we're not making any more of it. So you have to find some alternative. Now, obviously, it's

not immediately upon us, but I know someday it will be. So gasohol is a good idea to see what you can do, see if it will work.

CH A lot of the incentives for alternative energy have been reduced, actually, during the last few years.

VA The price of oil has been down, and the cost of producing that alternate is high, and so the comparison is just too far apart. Obviously, if they could do a lot of it, prices come down in terms of quantity, but you can't even get that step, to produce a lot of it to get the price down. And the foreign countries, particularly Saudi Arabia, among others, are pretty smart, and so they're going to keep the price of oil at a level which would not propel people into finding an alternative.

CH There was another bill on the appointment by the governor of the state superintendent of public instruction if the voters agree to remove the election requirement in the constitution. That went through, didn't it? That actually became law, didn't it?

VA No, the superintendent is still elected.

CH That's right, that's right.

VA No, I thought that made good sense.

CH To have the election or to appoint?

VA No, not to elect. Actually, what made even better sense was the governor would appoint the board of education, and the board would appoint the superintendent. That's the best way to do it.

CH And the reasons for that, having the board do it?

VA Well, see, there is a control of a statewide elected official appointing the board, and, then, the board's responsibility would be to pick the superintendent. It's a curious thing right now. Today, the governor appoints the board, the superintendent is elected statewide. Okay, now, to whom does the superintendent owe loyalty, the board or the electorate out there? My feeling was that the superintendent should feel a loyalty to the board, but the board didn't pick the superintendent, the people of Oregon picked the superintendent. So it's a kind of an uneasy truce that goes on between them all the time.

CH There was also a ban of police searches of newsrooms, even with a warrant, except where a reporter is suspected of a crime. How did you feel about that?

VA I don't think that we really - except for criminal purposes, there's no need for - it's not in the Constitution, but the freedom of the press is an amendment in the Constitution that's considered very sacred.

CH There was a hike in state minimum wage from - to \$2.65 an hour, and - oh, I see, from \$2.65 to \$2.90, the federal minimum, on January 1, and \$3.10 on January 1, 1981. Was that something that you were against?

VA There's a constant conflict in your mind. First of all, you should have higher pay. You know what's going on in society. There are a lot of people that need those jobs. On the other hand, the higher you get, the less likely employers are likely to hire young people because, obviously, the young people have less

experience, and they're trainees, if you will. You've got to give people an entry into the - you've got to get them going. I already talked earlier about delivering papers. I delivered papers. I worked for part-time at a department store. You've got to have that kind of experience, you've got to provide that opportunity for that experience. So that's the mix, that's - you know, you keep balanced in your mind how high is too high to keep people from hiring young people, the beginner, the entry.

CH Well, in terms of pay increases, this is something I'm sure you had feelings about. There was a pay increase for state employees and elected officials of 7 percent and an increase for legislators in 1981. Where did you come down on that?

VA Well, for state employees we did, of course, bargaining. At that time - well, let's see. The first bargaining, I think, began in '79, but I said to the team - well, again, this comes from experience. Bob Straub would insert himself in the bargaining process, and I felt that was wrong. I didn't think the governor should do that, so I had my bargaining team. Now, there was a good purpose for that, because the bargaining team from the labor union needs to know with whom they're bargaining, and if they're bargaining with the people that are sitting in front of them, then they can bargain. If there's always the idea that they can end-run and go see the governor, then the state bargaining team is no good at all. So I hewed to that line. However, I did give them instructions, and I said, I would like to get an increase in - well, I'm going to use the word pay, but that's not quite right, but nontaxable. If we could give them some fringe benefits, it means something to them. Medical or - as a matter of fact, eventually the state started putting money into the Public Employee Retirement System instead of just the employee. These were all nontaxable benefits that would increase

the value of their employment without dollars themselves in their own pocket. That was the beginning of that.

In terms of elected officials, I really have never objected too much to raising of salaries except I always object to raising my salary. I say, Okay, fine, if you would raise the salary, but it would be for the next time. Now, I might be there next time or may not be there for next time, but for next time.

CH The next term?

VA The next term. And that was my general philosophy. So I didn't object to - I always objected to me voting for a pay increase for me, but if I voted a pay increase, it would be for the next term, which would be me if I got elected, or somebody else, but it wasn't directly for me. That's my general theory and belief in what ought to happen. It doesn't happen that way.

CH The legislature also put a limit of one thousand - hiring no more than one thousand new employees in the state a year.

VA But it was basically on a formula. That could have been it. We were never bothered by that or the other provision which called for a budget increase of no more than the growth of personal income in the state of Oregon, the average growth of personal income in the state of Oregon. We operated with that during my term as governor. Again, it was never bothersome because we didn't bump up into either one of them. That's good law, however, which Governor Goldschmidt abolished.

CH The limit on...

VA On state spending.

CH What was his rationale for abolishing it, do you know?

VA He just wanted to spend more money. Ask him, not me.

CH There was an increase allowed equal to the rise of the consumer price index in the total - now \$25, at this point \$25 - the lobbyist can spend on entertaining legislators without having to report it. Was that a good move?

VA No. I would prefer - I would actually prefer the law that relates to electioning. The election law says that you report a gift. It might be money, it might be a plane ride, it might be a dinner, whatever. Maybe I'm not using the right word, but in other words, it's a public reporting of the elected official, and I prefer that. I'm not sure I covered this, but there's really a dichotomy in the law. I think I did, didn't I?

CH Yes, I believe you did.

VA And so that's, to me - then a legislator can decide, Is this too much for me to make a report on? But they have to make a public record of it. Then the question is, did I go out to dinner or didn't I go out to dinner, not was it \$24.67 or \$25.10. Anyway, you ask me, and that's my own feeling. That's not the way the law is, but that's the way it ought to be.

CH There was the creation of a commission on public broadcasting under the state board of higher education to supervise the state's public broadcasting system. Why was that put under the state board of higher education?

VA It was basically known as public educational broadcasting. That was the initial thinking of the way it was going to be used.

CH And, of course, just recently they've gone private again, haven't they?

VA Well, there's a bill to do just that. I don't know if it's passed yet.

CH And how do you feel about that?

VA Well, if they're going to go private, then there shouldn't be any state funds.

CH I think there will not be any state funds in that.

VA Then they're on their own.

CH Permission was given to nurse practitioners to write prescriptions for certain medications. Was that controversial?

VA Yes. It's always the doctors who opposed it. But when you say under certain circumstances, they always want at least supervision. I just saw something on television, some remote - whether it was in Appalachia or somewhere, there's not a doctor within a hundred miles. How can you supervise? You have these people that need some kind of medical care. I have no problem with that if the person is qualified to do it. We have trouble really providing good health care. In the city I don't think it's - I think it's absolutely unessential, nonessential, but Lonerock, Oregon, or Brothers, Oregon, or...

[End of Tape 29, Side 1]