Measures On State Ballot Given Review

Arguments Pro and Con Listed For Study, Consideration By Oregon Voters Prior To Verdicts November 5.

The following analysis, including arguments for and against, of the measures on the ballot was prepared by and is presented here through the courtesy of the Oregon Business and Tax Research, Inc., of Portland. This organization is a non-profit, non-political organization specializing in taxation, legislation and public affairs analyses for the benefit of its membership.

Referred by the Legislature

Permitting Third Consecutive Term for State Treasurer and Secretary of State, An Amendment to the State Constitution.
300 Yes.
301 No.

A present provision in the state constitution prohibits the secretary of state or state treasurer from holding that office for three consecutive 4-year terms. They can hold their office for two 4-year terms, or eight years, in a twelve-year period. They cannot hold office for twelve consecutive years, or three consecutive 4-year terms. This amendment proposes to repeal that limitation and permit either official to run for a third consecutive term, or to serve twelve consecutive years.

Argument for: A trustworthy public official, of demonstrated fitness, sound judgment (as a member of the important state board of control which administers the business operation of many state institutions), should be permitted to succeed himself, if he can be re-elected. Some exceptional public officials, for example the late State Treasurer Tom Kay, have been forced to step aside, thus break continuity of an excellent administration of the public's business. The state treasurer and secretary are administrators of laws enacted by the legislature, and have no executive functions except as members of the board of control.

Argument against: Through appointive power and other means, state officials might establish such a strong personal following that, theoretically, they could perpetuate themselves in office. New ideas, new policies, new blood is needed on the board of control lest administration of the state's business get into a rut, become fossilized. Periodic housecleaning is desirable; a successor checks the records, money-handling practices, of his predecessors, which is a wise precaution against irregular practices becoming embedded in handling of the public's business.

6% Tax Limitation; Procedure For Establishing a Tax Base.
302 Yes.
303 No.

This is an amendment to the state constitution. The 6% tax limitation, briefly, requires that any tax levy, in dollars, made by any tax-levying authority (such as city, county, school district, port district, state, and possibly PUDs), which is greater than 6% more than the levy in any one of three preceding years, must be approved by the people. To compute the permissible 6% increase, there must be a tax base for that particular tax-levying authority, or regularly levied basic tax (in dollars, not in millage). Obviously without such a tax base, you cannot determine the amount of a 6% increase, for 6% of nothing is nothing.

At the 1939 legislature it was realized that several cities, school districts and other tax-levying authorities, had, for some reason or other, lost their tax base. This necessitated a vote each year on the proposed levy. In other tax-levying districts wherein population growth has outstriped the permissible 6% increases, special tax levies have had to be voted on each year by the people. This routine caused election expense and placed in jeopardy the necessary tax funds for essential local government purposes in event the people in a spirit of sudden economy, should refuse to approve tax levies based upon conservative budget estimates of irreducible expense.

Arguments for: Every tax-levying authority is entitled to have a definite, legal, established tax base on which permissible 6% increases can be computed. Any levy that has had voter okeh for three consecutive years can safely be presumed to have adequate local taxpayer approval. In case of newly formed tax-levying bodies, such as PUDs, it is safer to have 3-year voter approval than to leave levies of a new district, wherein there is need for funds for attorneys, fiscal agents, engineers, publicity and other promotional purposes, to the uncontrolled discretion of five PUD directors, some or all of whom may be public power theorists who relish soaking the taxpayer for purpose of getting their hands on money with which to attempt to prove their public ownership ideas.

Arguments Against: Special emergency tax levies, approved for three years or more, such as were voted in Portland public school district back in the '20s, might, unless taxpayers are alert and demanding in their objection, be added to the previously established tax base. Such action by scheming men might suddenly jump a tax base from the previous level to a level which is the combined amount of the established base plus the amount of the 3-year approved special emergency levy.

State Bank Stock; Repeal of Double Liability.
304 Yes.
305 No.

Here is another amendment to Oregon's constitution. The same amendment was proposed by the 1937 legislature, but was rejected by the people at the 1938 general election.

In 1912 Oregon's constitution was amended to provide that owners of shares of state bank stock must be liable for a 100% assessment thereon, as an added protection to bank creditors, or depositors. Bank stock sold prior to 1912 does not have double liability. Some banks have both classes of stock, depending on date of its issuance. Double liability does not attach to capital shares of any other type of corporation. Oregon is one of seven states that retain this archaic double liability law. The capital stock of only 18 state banks in Oregon is affected.

Argument for Repeal: Stock of national banks does not involve doubel liability, thereby creating an inequality between privilege of owning state or national bank stock. Depositors, up to $5000, are now fully protected under the federal bank deposit guarantee law. Due to competition between banks, all state banks have had to guarantee their deposits. Therefore double liability does not add any factor of safety to depositors that does not already exist, except in case of deposit accounts in excess of $5000, of which there are very few. Double liability feature on bank stock does not provide the element of safety that was originally expected, since many owners of state bank stock have been unable to pay their 100% assessment. Many small Oregon communities and neighborhoods have been deprived of convenient banking facilities because no one will provide capital funds for a new bank in Oregon so long as double liability requirement is retained in the constitution.

Argument Against Repeal: Depositors need all the protection they can get against mismanagement. Since the bank's owners, i. e., the stockholders, obtain their profit (dividends) from use of other people's money, the stockholders should take all the risk attendant upon bank's continued solvency.

More Pay For Legislators.
306 Yes.
307 No.

Another amendment to the state's constitution—this time proposing to change a provision that has stood since 1857, almost before even the horse-and-buggy days. An amendment to increase pay of members of the legislature has been voted down ten times by people of Oregon since 1908. Undoubtedly Oregon people have refused to change this archaic provision because by so doing it gave them an opportunity to express their displeasure toward the legislature and legislators in general.

This amendment does three things: It proposes to increase legislator's pay from $3 a day to $8 a day; it increases the constitutional length of legislative sessions from 40 to 50 days, and substantially decreases the travel allowance of members of the legisalture. There was no particular reason for fixing the proposed new pay at $8 a day other than the belief that that was a reasonable amount. Since legislative sessions for many years in Oregon have exceeded the present 40-day limit, the plain inability of the legislators to finish their work in forty days was recognized. As a partial offset against the increase pay, the travel allowance was lowered from 15c a mile to 10c a mile.

Argument For: Pay for all other state officials has been greatly increased over the 1857 level. In the democratic process of government, many relatively poor but worthy men and women become candidates for and are later elected to the state legislature. Their election attests that they enjoy community confidence. Yet they cannot live decently, comfortably, in a manner that safeguards health and mental comfort, on $3 a day. If the session lasts longer than forty days, for which they receive $120, they serve the remaining time without any pay whatever. This results in severe personal inconvenience and sacrifice. The strain of such service without pay creates a temptation to accept gratuities, which act places the member under a personal obligation to someone, thereby detracting from his or her freedom of opinion. It is beneath the dignity of a sovereign state to expect citizens who make it laws to subject themselves to the sacrifice which the present pay level involves.

Argument Against: Citizens know what the pay is when they become candidates for the legislature. Since much of the compensation for legislative service comes from satisfaction of personal ego, there will be just as many candidates of substantially the same quality as at present, even if there were no pay. The added expense involved by pay increase from $120 a session of forty days, to $400 for fifty days, is not justified. Retaining present pay will encourage legislators to cut short their deliberations and thereby enhance the peace and tranquality of the citizenry.

Referred by Petition

September Primary Nominating Election.
308 Yes.
309 No.

This statute was enacted by the 1939 Oregon legislature. It was referred back to the people by organized labor and the grange.

Briefly, the measure shifts the Oregon primary nominating election from 3rd Friday in May to the first Wednesday after the first Monday in September; it provides that the national committeeman and committeewoman of each party shall be nominated by the state central committee of that party, and not by the direct nominating vote of the people; it abolishes the Oregon presidential preference primary vote; it provides that delegates-at-large to the party presidential nominating conventions shall be chosen by party central committees, and district delegates to the national conventions shall be chosen by district party conventions.

Argument For: The interval of more than five months between the primary and general election is unnecessary, unwieldy and impractical. No candidate, rich or poor, needs, much less uses, this long interval for campaigning purposes. The presidential preference primary has resulted in election of delegates who were in effect pledged to support in the party's convention some unknown political adventurer who filed for a place on the Oregon ballot as candidate for president or vice-president, to the chagrin and embarrassment of the party. Election of convention delegates by duly elected members of party district and state committees will prevent irresponsible, wandering political groups that are not loyal to either party, from electing their candidates as delegates to the convention of a party to which the group attaches itself for purely selfish reasons.

Argument Against: The shorter period between primary and general election necessitates a more costly campaign by requiring use of radio and other expensive methods, to the detriment of candidates of modest means. Independent candidates cannot obtain a place on the ballot; people should not surrender their right of voting directly for delegates to party conventions or for directly nominating their party national committeeman and committeewoman. Delegating the right to select your party convention delegates or national committee representatives is a step backward toward so-called convention bossism.

More Definite State Control Over Unlicensed Drinking Clubs.
310 Yes.
311 No.

This is the so-called "night club" bill, although "night clubs" are not mentioned. Passed by the 1939 legislature to strengthen further the control of the Oregon Liquor Control Commission over sale and drinking of hard liquor, this measure was referred to the people by an organization known as Common Sense, Inc. The law was originally sponsored by the OLCC and endorsed by Gov. Sprague at the 1939 legislature.

Argument For: Certain types of established clubs wherein the locker system of private liquor ownership is used, are legal in Oregon. This measure is intended to give the OLCC clear and definite authority to deal with bootlegging clubs where mixed hard-liquor drinks are sold. Class "A" hotels may furnish floor show entertainment, permit dancing, but anyone not holding a hotel, restaurant or club license is prohibited from permitting use of any facilities, chairs, glasses locker space, etc., etc., for drinking of hard liquor.

Argument Against: This measure will work hardship on innocent operators of legitimate, lawful soft drink and confectionary stores, grocery or drug stores where coca cola products and other potential mixers are sold. Any person who buys a bottle of any soft drink, then mixes himself-herself a drink by use of liquor brought into the store in pocket or purse, exposes the innocent shopkeeper to harsh penalties of the law.

Initiative Measures

Repealing the Knox Law; New System of Sale of Hard Liquor and Regulation of All Phases of Liquor Traffic in Oregon.
312 Yes.
313 No.

A bill sponsored by Common Sense Inc., an organization of little known background or whose-behind it. Wipes out entire present system of state buying, storage and retailing of hard liquor, and licensing of beer dealers. Sugar-coated with allure of reduction of property taxes for old-age assistance, through diverting a portion of the tax on private liquor sales and license revenue to counties and cities; places policing of liquor business in city police; abolishes principle of "convenience and necessity," now used by OLCC in granting new beer joint licenses, and substitutes plan of refusing to grant license only when sufficient cause is shown for not granting a requested license; permits appeal from license application rulings of the new state commission.

Hard liquor to be sold in two ways: "On sale" premise, which is any restaurant with 25-seat capacity or hotel with forty rooms, may serve mixed drinks across a bar; these "on sale" premises cannot be closer than 150 feet along street frontage, apparently to save thirsty souls from having to walk too far to the next bar; "off sale" premise is any store that wants to sell bottled booze for consumption elsewhere.

Argument For: OLCC has been dictatorial in granting licenses; liquor control should be returned to local regulation; more revenue will be produced by this system; temperance will be encouraged since it will no longer be necessary to buy a bottle "when a minimum quantity is desired"; to get the state out of liquor business and return it to private enterprise under regulation; lower prices for hard liquor due to competition between distillery representatives in dealing with retailers; makes the bartender who makes an illegal sale personally liable, not the operator of the joint.

Argument Against: Oregon's plan of state control, so-called Knox plan, is in accord with most approved systems in use in other states and has proven generally satisfactory as a means of obtaining responsible control and regulation of a business which, if abused, becomes a tough one to handle and develops correlated problems; turning certain phases of liquor control over to local authorities invites trouble; doubtful whether additional revenue for old age assistance will be forthcoming to any extent that justifies dumping a state system, generally approved, for a complicated new scheme.

Legalized Gambling; When Is a Slot Machine Not a Slot Machine?
314 Yes.
315 No.

Here is an amendment to the state's basic law, which would increase the length of the constitution by 50%, adding 13,000 words which make the secretary of state the regulating czar of corporation-controlled gambling; giving the vast gambling scheme four-years of absolute protection from amendment by the Oregon legislature; ennobles and dignifies "bank nights," "bingo," "claw" machines, candy-turkey-rabbit-sausage punch boards, church bazaars, by embedding in the state constitution detailed regulations for their operation.

Oregons past reputation as a state wherein occasional "try-it-on-the-dog" legislation has been proposed, will be a mere whisper alongside of our state's ignominy if the people approve this voluminous amendment.

Aid to county tax levies for old age assistance payments, more cash for county fairs, 4H club activities, community shows such as Astoria Regatta, Rose Festival, Pacific International Livestock, more cash for city tills—this is the chocolate coating that is intended to give the gambling scheme palatable taxpayer vote-appeal.

Argument For: In addition to above paragraph, sponsors say that Oregon has already legalized dog and horse race gambling, which is true, spreads profits from sucker betting to community fair and other purposes, which is true—therefore why not frankly recognize the inevitability of gambling, legalize it, tax it heavily, and salve your conscience by feeling that you have done what you can to control petty and big-business gambling?

Chinese lotteries, crap games, and card gambling may not, as sponsors claim, be legalized by this amendment. Language that describes "game" is not very definite. Not sure that roulette wheels would be prohibited. Many small merchants, hard pressed to pay the rent without picking up all loose nickels and dimes possible, need "trade stimulators" as a source of added profit. "Trade stimulators" are pin-ball machines, punch boards, number raffle boards, used to sell candy, safety razors, poultry.

Argument Against: In addition to basic argument that it is against public policy to give constitutional protection for four years to organized gambling, it is plain that the need of small merchants, papa-and-mamma grocers, for "trade stimulators" has been used by some manufacturers or distributors of some new type of slot machine or a machine that has a slot for coin insertion, to obtain a legalized foothold for sale or leasing of those machines to "location" operators. That there is definite support from organized gambling interests behind this measure is shown by the fact that on bottom of some "football pool" betting tickets, which is a highly profitable racket for someone, there is the request "Vote 314 X Yes."

Repeal of Oregon Milk Control Law.
316 Yes.
317 No.

This is an initiative measure for wiping out entire system of state control of milk production, distribution and price-fixing, both wholesale and retail. If you favor abolishing milk control, vote Yes; if you favor retaining milk control, vote No. Attitude of many voters especially women will be swayed more by parental interest in being sure of a pure, reasonably-priced milk supply, on behalf of their children's and family's health, than by the factor of governmental control of private enterprise, and making old folks with a cow or two law violators when they peddle a few quarts of bootleg milk to neighbors.

Arguments Against Repeal: Milk supply has been stabilized in quantity, thereby preventing wide and harmful price fluctuations; a stable, reasonable retail price has been maintained, and milk has not been used as a "price leader" by chain stores, to alleged detriment of producer; more sanitary producing conditions have been established and maintained by inspection; milk strikes by producers have been averted, and a fair tribunal has been established for hearings on moot questions of administration; the quota system, which in effect gives dairyman a vested right to produce milk, is essentially fair because it has made possible improvement of herds and production conditions.

Argument for Repeal: State milk control has kept milk prices too high, thereby greatly reducing sales-consumption; right of free private enterprise has been violated, since an experienced dairyman cannot operate a dairy for profit without obtaining a quota, or a franchise; quality of milk has been lowered by arbitrary and health-damaging board rulings fixing butter-fat content lower than some herds can produce; purity of milk is already assured by inspection activity of city and other state agencies.

For School Supt.

A native Oregonian, Mrs. Lula C. Gorrell, above, of Oakland is a candidate on the non-partisan ballot for the office of county school superintendent. She is a graduate of the University of Oregon and has had 20 years of teaching experience; 10 years in Eugene, seven in Sutherlin, two in Reedsport and one in Oakland.

She is the widow of the late Oscar Gorrell and since his death has carried on the business affairs of a large farm.

"I believe I am particularly equipped to understand the problems of school supervision," Mrs. Gorrell says. "I have had teaching experience in typical towns; have been a taxpayer in Douglas county and know the struggle to pay taxes. If elected I will conscientiously endeavor to keep down costs without endangering efficiency."

For Sheriff

Cliff Thornton, pictured above, republican candidate for sheriff, is a native of Douglas county. Following graduation from the local schools, he attended Oregon State college. For the past seven and one-half years he has served as first deputy under Sheriff Percy Webb, making an excellent record as a law enforcement officer.

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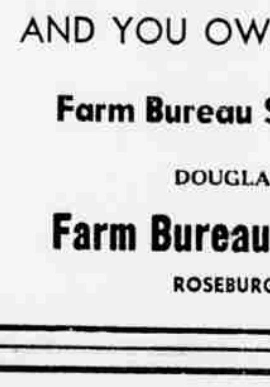

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