

Kitzhaber: Four Oregon governors have resigned since 1859

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Courtney said he and Kotek made the same request when they met Tuesday. Kotek said Kitzhaber requested the Tuesday meeting.

Courtney said he had expected Kitzhaber to announce his intentions Wednesday, when Secretary of State Kate Brown — the next in line in succession — flew back early from a conference in Washington, D.C. at the governor's request.

But instead, Kitzhaber — through his lawyer, his press office, and in comments with Portland television station KOIN — said he had no such intent.

Courtney said his call for resignation was less about the specific allegations and more about the distractions they cause, even though lawmakers are moving ahead with budgets and bills.

"It just seems to me that the perceptions and distractions have reached a point" where Kitzhaber cannot interact with lawmakers effectively, he said.

State Treasurer Ted Wheeler, in a separate statement, minced no words in calling on Kitzhaber to resign.

"Unfortunately, the current situation has become untenable, and I cannot imagine any scenario by which things improve," he said. "Oregon deserves a governor who is fully focused on the duties of state."

"I hope the governor will do the right thing for Oregon and its citizens."

Although four governors have resigned since Oregon statehood in 1859, the most recent instance was in 1952 — when Gov. Douglas McKay was appointed U.S. Interior secretary — and none has involved a scandal.

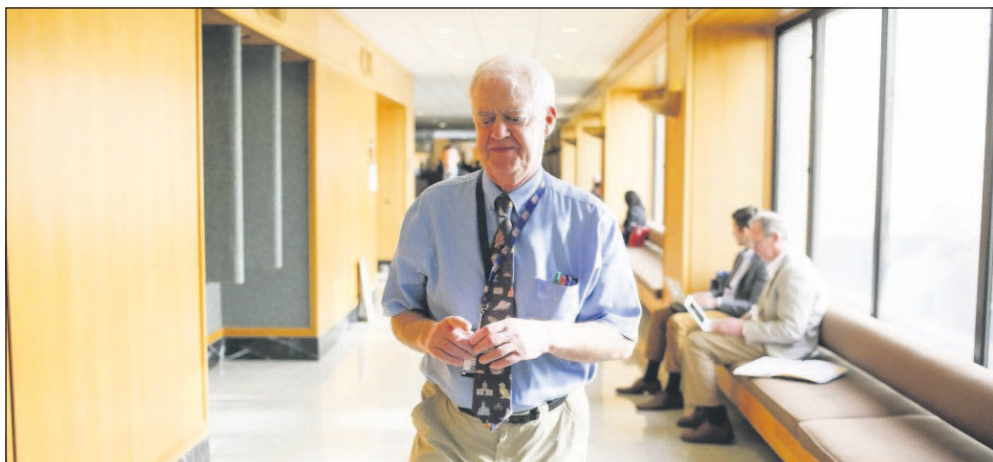
The most recent midterm vacancy for Oregon governor was in 1956, when Paul Patterson died of a heart attack.

Kitzhaber was sworn in for a fourth term Jan. 12.

After voter rejection of his proposed tax overhaul in May 1973, Gov. Tom McCall vowed he would resign, but was talked out of it. He completed his term in January 1975.

Changed nature

Former Gov. Ted Kulongoski said that Kitzhaber must be considering all his options in addition to resignation — and that the nature of the allegations against Kitzhaber and Hayes changed significantly after Attorney General Ellen



Oregon Senate President Peter Courtney walks the hallways of the Capitol after a news conference on Thursday in Salem. Courtney urged Gov. John Kitzhaber to resign saying he cannot lead the state effectively amid a growing ethics scandal involving his fiancée.



E.J. HARRIS — EO Media Group

Democratic officials Thursday called on Gov. John Kitzhaber to resign.

Rosenblum said Monday that her agency was conducting an investigation of potential criminal violations.

Kulongoski said he is not advising Kitzhaber. He also says he does not know what Kitzhaber will ultimately decide.

He did say that he sent an email a few weeks ago offering any assistance, but that Kitzhaber declined in a response.

Hayes has reportedly retained a criminal lawyer, separate from the lawyers who were jointly representing Kitzhaber and Hayes in ethics-law complaints. Kitzhaber has retained lawyers from the Portland firm of Ball Janik, which does not specialize in criminal defense.

The Department of Justice normally investigates potential criminal violations, which are of a different magnitude than the ethics-law complaints against Kitzhaber and Hayes that were pending before the Oregon Government Ethics Commission.

Under the ethics law, the commission must suspend its proceedings when the Department of Justice informs it that a

criminal investigation is pending — and commission director Ron Bersin said Thursday that he received such notice Wednesday.

Unlike the ethics commission, which has deadlines in the law to determine its proceedings, the Department of Justice has no such limits.

Ethics-law violations are punishable by a maximum \$5,000 fine on each count, plus personal gain. The law bars use of public office for personal financial gain.

Other options

Other options under state law are a voluntary leave of absence — in which case Brown would step in for Kitzhaber for a defined period — and a legal defense fund.

The Oregon Constitution provides for succession not only upon the death or resignation of a governor, but also upon a disability.

Under a 2009 change, which Kulongoski requested when he was governor, state law specifies how a governor may take a voluntary leave for disability or be

determined to be incapacitated and unable to do the job.

The provision for voluntary leave allows the governor to estimate the period of disability, provide for temporary succession, and set a return to duty.

Kulongoski said he asked for the provision to cover instances such as surgeries like the eye operation he had in 2010.

Kulongoski said he never contemplated a scenario such as the one Kitzhaber faces.

The changes were really prompted by a 2007 national-security exercise in Portland, when Kulongoski said there was a debate over who could declare the governor incapacitated. At that time, just three people could make such a declaration — the chief justice of the Oregon Supreme Court, the "dean" of Oregon Health & Science University, and the medical director of the Oregon State Hospital.

A 2007 revision of the Oregon's government ethics law — whose floor manager was Brown, then the Senate majority leader — does allow for public officials to set up legal defense funds separated from campaign funds.

Bersin said lawyers for the governor made inquiries via email Wednesday.

"We have been asked to provide information, but we have not received a request" to create such a fund, Bersin said.

He said the provision is rarely invoked.

Brown: Kitzhaber situation 'bizarre'

By HILLARY BORRUD
Capital Bureau

SALEM — Secretary of State Kate Brown says she is unsure what to make of a meeting between her and Gov. John Kitzhaber, who is under pressure to resign.

Brown, who will succeed Kitzhaber if he resigns, said the governor asked her this week to return to Oregon as soon as possible from a conference in Washington, D.C., to discuss a transition in the governorship.

But when Brown arrived home Wednesday afternoon and was whisked into a private meeting with the governor, Kitzhaber questioned why Brown cut short her trip and said he had no plans to resign.

Brown recounted the series of events in a statement Thursday morning, after her abrupt departure from the conference fueled rumors that Kitzhaber planned to resign.

"This is clearly a bizarre and unprecedented situation," Brown wrote in the statement.

Kitzhaber issued a statement Wednesday afternoon, while Brown was flying back from Washington, D.C., saying he did not plan to resign.

Brown said Kitzhaber called on Tuesday afternoon and "asked me to come back to Oregon as soon as possible to speak with him in person and alone."

Brown arrived in Oregon at 3:40 p.m. Wednesday.

"I was escorted directly into a meeting with the governor," Brown wrote.

"It was a brief meeting. He asked me why I came back early from Washington, D.C., which I found strange. I asked him what he wanted to talk about. The governor

told me he was not resigning, after which, he began a discussion about transition."

Brown did not provide any further details of their discussion about a transition. The Oregonian and The Associated Press have reported Kitzhaber planned to resign late this week, but changed his mind after speaking with his personal attorney and with his fiancée Cylvia Hayes.

"I informed the governor that I am ready, and my staff will be ready, should he resign," Brown wrote. "Right now I am focused on doing my job for the people of Oregon."

News of the meeting left observers scratching their heads.

"I am stunned," says former Gov. Ted Kulongoski, Kitzhaber's successor and predecessor, who otherwise did not want to elaborate on Brown's statement after it was read to him by phone. "This is not the John Kitzhaber I know."

Paul Gronke, a political science professor at Reed College, said Brown was attending a conference of the National Association of Secretaries of State, where she was to give an address on Oregon's motor voter bill. She is president of the organization.

"It's not a small thing to leave a meeting like that in the middle," she said. "That is a big important meeting and you don't just leave it on a lark," he said. "Now why would you call the secretary of state back on an emergency, overnight expensive flight to tell her you're not resigning?"

"That is just not credible," he said. "It's strange."

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