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# Constitutional Amendment Fixing Legislators' Annual Compensation

City Club of Portland (Portland, Or.)

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**Report on**

## **CONSTITUTIONAL AMENDMENT FIXING LEGISLATORS' ANNUAL COMPENSATION**

Purpose: Amending Oregon constitution providing that members of the legislative assembly shall receive a salary of \$600 per annum, payable as provided by the law. In addition thereto, members for each session shall receive the sum of 10 cents for every mile traveled on the most usual route in going to and from their place of meeting, and no other personal expenses. It further provides that the presiding officers of the assembly shall, by virtue of their office, receive an additional compensation equal to one-third of their annual allowance as members.

300 YES

301 NO

To the Board of Governors  
The City Club of Portland:

Your committee was authorized to study and report on the above proposal and to recommend action to the electorate which will vote on the measure November 7, 1950.

This amendment was sponsored by both houses of the legislature in 1949 but to become an amendment to the Constitution it must be, as provided by the Oregon Constitution, approved by a majority of the voters of the state at the general election.

In considering this measure your committee consulted members of the Oregon State Legislature, lobbyists, labor leaders, the editor of the *Oregon Voter* and the editor of the *Oregon Democrat*. In particular your committee considered the adequacy of the existing pay for legislators, and the effects, if any, that a greater compensation would have upon the quality of the legislature.

### **Provisions of the Proposal**

The proposed amendment would:

1. Fix the salary of a legislator at \$600 a year.
2. Provide a travel allowance of 10 cents per mile on the most usual route going to and from the place of meeting.
3. Remove the present 20 day limit of the length of special sessions.
4. Provide presiding officers with an additional compensation equal to one-third of their annual allowance as members.

### **Present Compensation of Legislators**

An Oregon legislator presently receives a wage of \$8 per day for the first 50 days of a regular session. As the sessions always extend considerably beyond 50 days the average per diem for the entire session is much less than \$8 per day. He is likewise allowed 10 cents per mile for one round-trip between his home and Salem, but is permitted no other personal expenses. During a special session the Oregon legislator receives \$8 per day.

### **Arguments in Favor of the Proposal**

1. Legislators are entitled to a compensation that will at least meet their direct expenses while serving in the legislature.
2. Adequate pay for our law makers will make it possible for the public spirited citizen without substantial private means to serve in the legislature.
3. Legislators' time and expense are involved in work outside of regular sessions.

### **Arguments Against the Proposal**

Your committee was unable to find any substantial objections to this amendment.

### **Comments on the Amendment**

Your committee subscribes to the belief that it is simple justice that legislators be at least compensated for their expenses at a regular legislative session. Also, it feels that legislators are entitled to some compensation for the extra days they serve either at a regular session that extends beyond fifty days, or when they are on interim committees.

Your committee does not think that the proposed salary will guarantee either greater excellence in legislative personnel or more honesty among legislators inclined to dishonesty. However an adequate compensation will make it possible for the young man in a profession or in labor to serve his state without incurring a financial loss that is often relatively large in terms of his salary or wages. The niggardly pay given our lawmakers tends to limit membership in the legislature to the wealthy, or to representatives with special interests.

There has been objection to the elimination of the 20 day special session limitation and your committee feels it unfortunate that the 20-day limit on special sessions be abolished through an amendment designed for another purpose. However, this defect in the measure is not thought to be important since Oregon has not had a special session since 1935, and it is improbable that there will be many called.

### **Recommendation**

Your committee therefore recommends that the City Club go on record as favoring the proposed bill and express its approval by voting 300 X Yes.

Respectfully submitted,

HUGH LINEWEAVER

KENNETH REED

VAN SEAGRAVES

ALFRED VEAZIE

L. B. MCNAB, *Chairman*

Approved by Ed F. Averill, Section Chairman, Legislation and Elections, September 13, 1950, for transmittal to the Board of Governors.

Received by the Board of Governors September 18, 1950, and ordered printed and submitted to the membership for discussion and action.

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## **CIVIL RIGHTS**

Purpose: An Ordinance to amend the Police Code of the City of Portland so as to prohibit any person operating a business within the city which offers or holds out services or facilities to the general public from discriminating with reference to accommodations, advantages, facilities, privileges or commodities, against any person because of race, color, religion, ancestry or national origin.

500 YES. I vote for the proposed ordinance.

501 NO. I vote against the proposed ordinance.

To the Board of Governors  
The City Club of Portland:

### **Background**

This ordinance was proposed by the Mayor's Committee on Inter-group Relations, appointed by Mayor Lee in January 1949, during her first month of office. The principal investigation made by the Mayor's Committee was an open hearing held on July 6, 1949,

at which briefs were submitted by interested parties. The minutes of that meeting form part of the bibliography of this report available at the City Club office. The ordinance was approved by the committee by a vote of 10 to 1 and was submitted to the mayor on January 6, 1950. A minority report was also submitted by the dissenting member. The City Council passed the ordinance unanimously on February 21, 1950. Subsequently petitions were circulated and an adequate number of signatures were obtained to refer the measure to the voters.

On March 6, 1950, the City Council passed Ordinance No. 91286 which established the Inter-group Relations Commission, charged to investigate inter-group problems, to recommend needed legislation, to investigate complaints of discriminations, and to conduct a program of public education. The current membership of this new commission is nearly the same as that of the former Mayor's Committee.

### **Scope of the Investigation**

Your committee was formed on February 1, 1950 and held daily meetings for two weeks in an attempt to report to the City Club before the measure came to a vote by the City Council. The report was written, but lack of time prevented its publication. In the interim additional information has been collected and incorporated into this report. While the amount of data received is voluminous, the number of items which can be labeled as facts upon which to base a judgment of this measure is small. Much of the relevant material is bound up in conditions of mind which are based upon emotion rather than fact.

In order to substantiate and supplement the information available from other sources, your committee interviewed the executive secretary of the Urban League, the chairman of the United Committee for Civil Rights, the president and the attorney of the Portland Hotel Association, as well as four hotel managers, the vice-president of the Associated Restaurants of Oregon, as well as several restaurant proprietors, and several members of the police force. The committee also made an inquiry into the legal aspects of the ordinance and the experience of other communities under similar laws.

### **These are Facts which the Committee Found to be Undisputed:**

1. Prejudice against people on account of color, religion and national origin does exist in Portland. Intense prejudice is found in only a small minority, and mild prejudice is fairly common.
2. Specific acts of discrimination on the basis of this prejudice are practiced. The largest group against which this discrimination is practiced is the Negro, and, though it may also be more severe against Negroes, it is by no means limited to them. Because they are the center of attention, Negroes will be mentioned throughout this report; members of other minority groups are usually to be considered as included when the context will allow.
3. There are many types of places of public accommodation in which discrimination is practically non-existent, including schools, hospitals, common carriers, and theaters.
4. There are some types of places in which discrimination amounts to almost total exclusion, including dance halls, skating rinks, and bowling alleys.
5. There are several types of places in which the situation is mixed, some establishments discriminating, some not. Principal among these are the hotels and restaurants.

### **These are Facts Supported by Some Evidence:**

1. The majority of smaller hotels deny accommodations to Negroes.
2. A Negro may have trouble getting a room at some of the larger hotels, although most of them will accommodate Negro celebrities or Negro members of organized groups.
3. A large number of restaurants will not serve Negroes. Estimates vary, but a recent thesis by a Reed College student gives a figure of one quarter to one third. A complication in obtaining an accurate figure is that many proprietors say that they do not discriminate, while in fact they may.

### **Matters of Opinion**

Probably the most pertinent issues concerning the passage of the ordinance could not be determined except by enactment. Of most significance is the reaction of individuals to the situations which would result, and many people cannot accurately predict even what their own reactions would be. The committee feels that probably more people would announce that they would refuse to eat in a restaurant or sleep in a hotel which admitted Negroes than would actually refuse to do so when confronted with the unavoidable situation.

### **Arguments for Passage of the Ordinance**

1. *Minority Rights are Being Abridged.* Discrimination on the basis of color religion, or natural origin is in opposition to the principals of the Declaration of Independence, the Bill of Rights of the Constitution, the Charter of the United Nations, and the teachings of most religious faiths. The committee accepts this as a valid argument.

2. *Passage Would Be of Benefit to United States Foreign Relations.* One of the greatest handicaps to the United States in its present international efforts, which have a strong ideological basis and particularly in the Far East where we are engaged in actual warfare, is that our opponents are attempting with some success to discredit the sincerity of our ideals by pointing out specific inconsistencies in our practices at home. It is cogently argued, therefore, that passage of the ordinance is of interest and significant benefit not only to Portland, but also to the nation and world as well, and that failure of the measure would immediately be used as effective propaganda ammunition against us.

3. *Race Relations Would Be Improved.* Proponents of the ordinance point to the improvement in race relations in Portland in other fields, such as schools and places of business, where there has been no discrimination. Evidence seems to indicate that there is little friction in other cities where places of public accommodation are covered by civil rights laws. Serious or continuous race friction appears to accompany segregation rather than integration.

### **Arguments Against Passage of the Ordinance**

1. *The Ordinance is Invalid.* Opponents of the measure contend that it is not within the police power of the city to dictate the conditions under which private business shall be conducted; however, similar measures have been passed in eighteen states and, despite numerous tests, none has been found unconstitutional.

2. *The Law Will Be Evaded and Abused.* Opponents express fear that the law will be used by unscrupulous individuals to harrass business establishments. The lack of reports of such occurrences in other states tends to discount this fear. There do appear to be problems in regard to the enforcement of such an ordinance. The Police Court is overloaded already. It might be that evasion could be effected by the demand of a jury trial in which at least some jurors would refuse to convict because of objection to the ordinance. Your committee was told that such a tactic was effectively used in circumventing the Prohibition Law. In view of the experience in other cities, the problems of administration do not appear great enough to constitute an important objection.

3. *The Problem Should Be Handled by State Law.* Opponents to the ordinance point out that its enactment would make Portland the only city in the country to have such an ordinance not backed by state law. Philadelphia is the only city which now has a similar ordinance, but it is duplicated by a state law.

On the other hand proponents point to the fact that every other major city outside of the South or border states is covered by Civil Rights legislation. It is contended that if the city is covered by such a law and the state is not, business will be driven out of town to the suburbs. Although this might occur to some extent, the dislocation would probably be less than that caused by other administrative acts, like the rerouting of buses.

4. *Business Should Be Allowed to Choose Its Customers.* While it is desirable to allow businessmen to conduct their business with as little restraint as possible, reasonable restrictions in the public interest are also desirable. It is understandable that nearly all hotel and restaurant proprietors which the committee contacted did not favor passage of the ordinance, even when they favored a policy of non-discrimination. Few people advocate

a law which might act as a restraint on their actions. Most of the opposition of proprietors seemed to stem more from concern over difficulties of administration than from an opposition to the principle.

5. *Customers Have the Right to Choose Their Associates.* While it is recognized that individuals have the right to select their social companions, the situation is somewhat different in places of public accommodation. The objection that people who regard hotels as homes will be forced to live with those to whom they object does not apply entirely, because the ordinance will not affect residential hotels, in which people stay for thirty days or more. While it might affect those people living in residential hotels which also accept transients in some of their rooms, these people would have the choice of moving to hotels which did not accept transients.

6. *There Will Be Economic Loss.* Many proprietors of business establishments profess that they are in sympathy with the ideal of non-discrimination, but say that they do not practice it because there would be a loss of business to them. This argument would be weakened by the passage of the ordinance, because all places would be forced to let down the bars at the same time. It is feared, however, that even then some people would prefer to stay at home rather than eat in restaurants which did not have a color bar. While it would be hard to deny that some establishments might suffer loss of business, the evidence does not indicate that such a loss would be great or widespread. We have the example now of many restaurants which do not discriminate, and which do a thriving business. We have also the example of the recent CIO and Masonic conventions during which there was self-imposed non-discrimination, and which resulted in no untoward occurrence.

7. *The Problem is Not Acute.* Opponents say that, while Negroes may not have access to places of their first choice, none have been forced to go without accommodations or food. They say the facilities available for them are adequate. This argument admits the existence of discrimination, and the question remains whether discrimination is to be tolerated or not.

8. *The Law Would Discriminate Against White People.* Hotel men say that, while they are able now to deny room to a disorderly person, under the ordinance they fear they would be restrained from evicting a disorderly Negro. It is also pointed out that hotels accept reservations in advance of noon check-outs and therefore at times must refuse accommodations to people who have made reservations. If this were to happen to the members of a minority group, it is argued that they would have recourse to the law, whereas a white person would not. While these situations might come into play, they probably would not be serious for long, because in the case of a hotel which was actually and continuously observing the law, it would be obvious that its actions were based on considerations other than those prohibited by the ordinance.

### **Summary**

Your committee feels there is considerable discrimination in Portland and that positive steps should be taken against it. The proposed ordinance would be a step in the right direction, even though objections to it must be recognized, the most cogent of which are fear of harassment and loss of trade by business and services. The extent of the latter objection would be lessened if the measure were a state law embodying the same provisions. Your committee, however, has found the experiences in other places with similar measures do not justify the fear expressed. Passage of this ordinance would help promote the rights guaranteed under the Bill of Rights.

### **Conclusions**

The committee therefore feels that the purposes of this ordinance could best be served by the passage of a state law, but that lacking a state law, the ordinance should be passed. The wording of the ordinance is suited to its purpose and is technically correct.

The committee feels, however, that its success will in very large measure depend upon the manner of its administration and enforcement by the Inter-group Relations Commission. The committee approves of the establishment of the Inter-group Relations Commission, but feels that, to avoid the charge of bias additional members should be

appointed who would not only be in sympathy with the proposed ordinance but would also be familiar with the problems of hotels, restaurants and other businesses affected.

Since this measure is as broad as any existing law on discrimination, there may be some doubt as to the exact extent of its coverage. It would therefore be appropriate for the City Council to issue a detailed list of the types of establishments deemed to be covered and those excluded.

**Recommendation**

The committee recommends that the City Club go on record as favoring the passage of this ordinance and express its approval by voting 500 X Yes.

Respectfully submitted,

- EDWIN J. DRYER
- HARRIS DUSENBERRY
- ERLING HUSTVEDT
- JOHN A. LEITER
- STEWART H. TREMAINE
- WALTER B. MOORE, *Chairman*

Approved by Ed F. Averill, Section Chairman, Legislation and Elections, September 14, 1950, for transmittal to the Board of Governors.

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