

9-29-1975

## City Club of Portland Bulletin vol. 53, no. 18 (1972-9-29)

City Club of Portland (Portland, Or.)

Follow this and additional works at: [https://pdxscholar.library.pdx.edu/oscdl\\_cityclub](https://pdxscholar.library.pdx.edu/oscdl_cityclub)



Part of the [Urban Studies Commons](#), and the [Urban Studies and Planning Commons](#)

Let us know how access to this document benefits you.

---

### Recommended Citation

City Club of Portland (Portland, Or.), "City Club of Portland Bulletin vol. 53, no. 18 (1972-9-29)" (1975). *City Club of Portland*. 273.

[https://pdxscholar.library.pdx.edu/oscdl\\_cityclub/273](https://pdxscholar.library.pdx.edu/oscdl_cityclub/273)

This Bulletin is brought to you for free and open access. It has been accepted for inclusion in City Club of Portland by an authorized administrator of PDXScholar. Please contact us if we can make this document more accessible: [pdxscholar@pdx.edu](mailto:pdxscholar@pdx.edu).



**PORTLAND**  
*City Club*  
**BULLETIN**

Mayfair Room • Benson Hotel  
Friday . . . 12:15 p.m.

---

Portland, Oregon • Sept. 29, 1972 • Vol. 53, No. 18

Printed herein for presentation, discussion and action on Friday, September 29, 1972:

**REPORTS**

**ON**

**CHANGES SUCCESSION TO  
OFFICE OF GOVERNOR**

**(State Measure No. 8)**

The Committee: Leonard Bennett, Clyde H. Fahlman, Charles Frost, Gary L. McClellan, David R. Teppola, Mark W. Teppola, *and* James V. Norlen, *Chairman*.

*and*

**CHANGE STATE CONSTITUTION PROVISION  
REGARDING RELIGION**

**(State Measure No. 4)**

The Committee: Jace C. Budlong, Herbert O. Crane, Mason Janes, Howard D. MacAllister, Neil Meagher, Roman J. Okoneski, Jr. *and* George S. Woodworth, *Chairman*.

---

*"To inform its members and the community in public matters and to  
arouse in them a realization of the obligations of citizenship."*

---

### CITY CLUB PROGRAMS BROADCAST THREE WAYS

The City Club luncheon program speakers and discussions are broadcast, in full, over three different stations at three different times:

KOAP-FM (91.5 meg)

Each Friday (approximately  
12:40-1:30)

KOIN-FM (101.1 meg)

Each Friday at approximately  
10:00 p.m.

KBPS (1450 KC)

Each Tuesday at 7:00 p.m.

### PORTLAND CITY CLUB BULLETIN

Published each Friday by the

#### CITY CLUB OF PORTLAND

505 Woodlark Bldg. Portland, Oregon 97205  
Phone 228-7231

ELLAMAE W. NAYLOR, Editor  
and Executive Secretary

MORRIS S. ISSEKS, Archivist

Second Class Postage Paid at Portland, Ore.  
Subscription rates \$6.00 per year included in  
annual dues.

#### OFFICERS OF THE BOARD

Sidney I. Lezak \_\_\_\_\_ President  
Donald J. Sterling, Jr. \_\_\_\_\_ President-Elect  
Robert W. McMenamin \_\_\_\_\_ First Vice President  
John A. Mills \_\_\_\_\_ Second Vice President  
James A. Larpentour, Jr. \_\_\_\_\_ Secretary  
Joe D. Kershner \_\_\_\_\_ Treasurer

#### GOVERNORS OF THE CLUB

Jack R. Brown \_\_\_\_\_ Neil Farnham  
A. M. Burdge \_\_\_\_\_ Emerson Hoogstraat  
Don Chapman \_\_\_\_\_

#### RESEARCH BOARD

Robert W. McMenamin, Chairman  
Leigh D. Stephenson, Vice Chairman  
Arno Reifenberg, Secretary  
Forrest Blood \_\_\_\_\_ Eugene L. Pfeifer  
William A. Comrie \_\_\_\_\_ Peter A. Plumridge  
Michael L. Emmons \_\_\_\_\_ Lloyd B. Williams  
Burton W. Onstine \_\_\_\_\_  
Stanton W. Allison, Research Editor

#### PROJECT PLANNING BOARD

John A. Mills, Chairman  
Clifford N. Carlsen, Jr. \_\_\_\_\_ E. Shelton Hill  
Edmund Hayes, Jr. \_\_\_\_\_ A. Thomas Niebergall

**CITY CLUB DUES:** Senior, members over 65 with 35 years membership, or over 70 with 15 years membership, \$5.00 per year; Regular, age 28 and over \$36.00 per year; Junior, ages 23 through 27, \$18.00 per year; Student, ages 18 through 22, \$6.00 per year; Non-Resident, \$12.00 per year; Sustaining, those who contribute \$10.00 or more per year over and above the dues in their category for the Portland City Club Foundation, Inc. The regular FRIDAY LUNCHEON MEETINGS are held in the Mayfair Room of the Benson Hotel, unless otherwise indicated.



### ELECTED TO MEMBERSHIP

*Carl R. Foster*, Student, Oregon State University. Sponsored by Richard T. Foster.

*Leo C. Sherry, Jr.*, Lawyer. Sponsored by William M. Keller.

*Marvin Thompson*, Marketing Manager, Credit Bureaus Inc.-West. Sponsored by Ray Melson.

### PROPOSED FOR MEMBERSHIP AND APPROVED BY THE BOARD OF GOVERNORS

If no objections are received by the Executive Secretary prior to October 13, 1972, the following applicants will be accepted for membership:

*Roger E. Doherty*, Sales Representative, Manor Sales Co. Proposed by Vern Cook.

*Roger G. Larson*, Executive Vice President, Emanuel Hospital. Proposed by Paul R. Hanson.

*Dawson C. Smith*, Retired. (Formerly Senior Executive and Operations Officer, Central Intelligence Agency.) Proposed by John Eliot Allen.

### HOW DO YOU PROPOSE SOMEONE FOR MEMBERSHIP?

It's a simple process to propose a friend or colleague for City Club membership: ask for an application blank from the staff.

Any member in good standing may serve as sponsor for an applicant; the applicant must fill out, sign and submit the form, accompanied by a check for at least half a year's dues, to the Board of Governors which acts on weekly membership reports each Monday noon. Names of applicants are posted in that week's Bulletin for information to the membership, and they become members in two weeks if no objections are voiced to the Board.

### BE KIND TO PEOPLE; TAKE A FRIEND TO LUNCH

Members are reminded that they may bring guests (either male or female) to any program meeting unless the Bulletin indicates "Members Only".

**REPORT  
ON  
CHANGES SUCCESSION TO  
OFFICE OF GOVERNOR  
(State Measure No. 8)**

Purpose: This measure amends the Oregon Constitution to change line of succession when the office of Governor becomes vacant, and also eliminates provision that the Governor temporarily vacates his office when outside Oregon. The new line of succession would be: (1) Secretary of State; (2) State Treasurer; (3) President of State Senate; (4) Speaker of State House of Representatives. (Present succession: (1) President of Senate; (2) Speaker of House; (3) Secretary of State; (4) State Treasurer.)

To the Board of Governors,  
The City Club of Portland:

## I. INTRODUCTION

State Measure No. 8 not only would change the line of succession but would delete the residency restriction which divests the Governor of his office and his duties when he is absent from the state. The measure also calls attention to other potential and, perhaps, desirable changes in the Constitution (the one mentioned by several conferees was the possible creation of the post of Lieutenant Governor) but the Committee confined itself to the question of the ballot measure content itself. It was not considered, then, as a piece of a greater total plan for constitutional revision, but solely on its own merits and demerits.

The proposed Constitutional Amendment would read:

Section 8, Article V, Oregon Constitution, is repealed, and the following new section is adopted in lieu thereof:

Sec. 8a. In case of the removal from office of the Governor, or of his death, resignation, or disability to discharge the duties of his office as prescribed by law, the Secretary of State; or if there be none, or in case of his removal from office, death, resignation, or disability to discharge the duties of his office as prescribed by law, then the State Treasurer; or if there be none, or in case of his removal from office, death, resignation, or disability to discharge the duties of his office as prescribed by law, then the President of the Senate; or if there be none, or in case of his removal from office, death, resignation, or disability to discharge the duties of his office as prescribed by law, then the Speaker of the House of Representatives, shall become Governor until the disability be removed, or a Governor be elected at the next general biennial election. The Governor elected to fill the vacancy shall hold office for the unexpired term of the outgoing Governor. The Secretary of State or the State Treasurer shall appoint a person to fill his office until the election of a Governor, at which time the office so filled by appointment shall be filled by election; or, in the event of a disability of the Governor, to be Acting Secretary of State or Acting State Treasurer until the disability be removed. The person so appointed shall not be eligible to succeed to the office of Governor by automatic succession under this section during the term of his appointment.

## II. SCOPE OF INQUIRY

Members of the Committee conducted personal or telephone interviews of the following persons:

George Bell, Assistant Secretary of State, State of Oregon  
Robert W. Chandler, Editor, *Bend Bulletin*

The Honorable Tom McCall, Governor, State of Oregon  
 The Honorable Clay Myers, Secretary of State, State of Oregon  
 Representative Robert F. Smith, Speaker of the House, Oregon Legislative Assembly  
 The Honorable Robert W. Straub, Treasurer, State of Oregon  
 Mrs. Richard Sundeleaf, Women's Legislative Council  
 Mrs. William Wyse, member, Board of Directors, League of Women Voters of Oregon  
 Glen Stadler, former State Senator.

State legislators were polled. Those legislators who responded to a request for opinions on the measure include:

**Senators:**

Harry D. Boivin  
 George R. Eivers  
 Ted Hallock  
 Tom Hartung  
 Kenneth A. Jernstedt  
 Tom R. Mahoney  
 L. W. Newbry  
 W. "Stan" Ouderkirk  
 George Wingard

**Representatives:**

John W. Anunsen  
 Howard L. Cherry  
 Walter R. Collett  
 Robert C. Ingalls  
 Leigh Johnson  
 Roger E. Martin  
 Anthony Meeker  
 Mary W. Rieke

Several individuals who were contacted would make no comment on the issue.

In addition, the Committee reviewed the following published and reference materials:

- 1) Article V, Oregon Constitution
- 2) Oregon Legislative Calendar
  - A. 1969 Regular Session, House Joint Resolution No. 9
  - B. 1971 Regular Session, House Joint Resolution No. 4 and Senate Joint Resolution No. 8
- 3) Speech by Governor Tom McCall of 13 December 1971 to the Gubernatorial Succession luncheon
- 4) Materials furnished by Glen Stadler dated 10 August, 1972.

### III. HISTORY

The Secretary of State was first in the line of gubernatorial succession under Oregon's original 1859 Constitution. The only other successor was the Senate President. From 1859 to 1919, three Secretaries of State became governor under the provisions of the Constitution. In each of these three cases, the successor continued as Secretary of State while holding the office of Governor. The last of these dual office-holders was Ben W. Olcott who succeeded Governor James Withycombe when he died in office.

"All went well until March, 1919, when Governor James Withycombe died in office. Secretary of State Ben Olcott stepped up but actually with only one foot. He kept the other firmly planted in his Secretary of State office and drew both salaries: \$5,000 for Governor; \$4,500 for Secretary of State.

"He noted that he had precedent for this duopoly because Frank Benson only ten years earlier had held both jobs, as did Stephen Chadwick in the 1870s, when they had succeeded to the Governorship."<sup>1</sup>

While Olcott was Governor (and Secretary of State), the Legislature referred to the voters a constitutional amendment changing the line of succession. The measure was adopted May 21, 1920, and the line of succession became the Senate President, followed by the Speaker of the House. This measure also

<sup>1</sup>Glen Stadler material dated 10 August, 1972.

provided, for the first time, that the governorship was vacated when the Governor is out of the state.

Since the 1920 amendment three Senate Presidents and one House Speaker have succeeded Governors who resigned or died in office. The addition of the Secretary of State and State Treasurer as third and fourth in succession was not effected until 1946.

There have been a number of attempts to change the line of succession since 1920. None has succeeded. This particular proposal (Ballot Measure No. 8) has never been offered before as a separate measure.

#### IV. ARGUMENTS

The ballot measure seeks to accomplish two changes. It deletes the requirement that the succession applies when and as long as the Governor is out of the state, and it changes the line of succession. Therefore, the arguments for and against are treated separately in the following section.

##### Pro

##### Absence Portion

1. The provision that the Governor ceases to hold that office upon crossing the state line is obviously outdated. Requirements of the office necessitate travel out of state, and modern communications systems can enable him to maintain his directorship.
2. The measure would reduce expenditures for paying a temporary Governor.

##### Succession Portion

1. The Governor, representing all of the state, should be elected by all of the state. A successor elected state-wide upholds the one-man, one-vote principle. Both the President of the Senate and Speaker of the House are elected by only a portion of the state's electorate.
2. The proposed successors are more familiar with the problems of the entire state having campaigned state-wide.
3. The proposed successors are more experienced in administration since they head executive branch departments.
4. The amendment would allow speedier convening of the legislature by removing the prospect of the Senate President succeeding to the governorship.

##### Con

1. The measure does not specify a limit to the time the Governor could be absent and still retain the office.
1. Neither the succession of the Senate President nor the House Speaker violates the one-man, one-vote principle, in that they are elected by individuals who were elected themselves on this principle.
2. The measure does not fulfill the need for constitutional reform in the executive branch. The constitution presently provides limited duties for both the Secretary of State and the State Treasurer.
3. The present successors are better qualified because of their experience in budgetary and fiscal matters.
4. The current line of succession has little or no effect upon the speed with which the President of the Senate is elected.
5. The successor could have been appointed to his office by the Governor and, consequently, not elected by any of the state.

## V. DISCUSSION

Your Committee found little opposition to the part of the measure deleting the provisions that the Governor ceases to hold the office the instant he leaves the State. The undesirability of the present situation is obvious, because the duties of the office require his presence in other states and even abroad. Furthermore, the electorate is prohibited from having its chosen voice maintain his directorship by the current restriction.

Your Committee was given no definition of "disability" or what would be regarded as a neglect of duties by prolonged absence. However, these are matters left to the Legislature by the Constitution and are not included in our assignment.

Contrary to the absence provision in the measure, your Committee found opposition, though not organized, to the succession portion. The Committee did its best to separate objective analysis of the measure from the present political scene by choosing not to speculate on the political overtones of the arguments for or against.

Argument No. 5 against the change in succession is fallacious in that the measure states:

"The person so appointed shall not be eligible to succeed to the office of Governor by automatic succession under this section during the term of his appointment."

The Committee agrees that the measure would have little to do with how much time it may take to elect a Senate President.

The preponderance of opposition is related, in some way, to constitutional reform. Most persons consulted believed that some, if not all, aspects of state offices could be better structured. However, past attempts to reform the Constitution on a one-shot, comprehensive basis have failed. Your Committee agrees with the prevailing argument in favor of the measure that endorses the one-man, one-vote principle. We also agree that the residency restriction is outdated if, indeed, it was ever valid. Therefore, your Committee concludes that the proposed amendment achieves the needed changes in the succession to the Governor's office, and that further reform to handle problems posed can best be addressed with other, individual measures.

## VI. RECOMMENDATION

Your Committee unanimously recommends that the City Club go on record in favor of the proposed constitutional amendment and urges a vote of "Yes" on State Measure No. 8.

Respectfully submitted,  
Leonard Bennett  
Clyde H. Fahlman  
Charles Frost  
Gary L. McClellan  
David R. Teppola  
Mark W. Teppola  
James V. Norlen, *Chairman*

Approved Sept. 7, 1972 by the Research Board for transmittal to the Board of Governors.  
Received by the Board of Governors Sept. 18, 1972 and ordered printed and distributed to the membership for discussion and action.

**REPORT  
ON  
CHANGE STATE CONSTITUTION PROVISION  
REGARDING RELIGION  
(State Measure No. 4)**

Purpose: Amends Oregon Constitution to provide as follows: "The Legislative Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Repeals existing constitution provision which reads: "No money shall be drawn from the Treasury for the benefit of any religious (sic), or theological institution, nor shall any money be appropriated for the payment of any religious (sic) services in either house of the Legislative Assembly."

To the Board of Governors,  
The City Club of Portland:

### I. INTRODUCTION

Your Committee was assigned to study and report on State Measure No. 4 referred by the 1971 Oregon Legislature to the voters at the General Election, November 7, 1972. The measure would substitute the language of the U.S. Constitution as it relates to religious institutions, for Article I, section 5 of the Oregon Constitution.

Proponents state that the major purpose of the measure is to remove the present Constitutional prohibition against aid to parochial schools.

### II. SCOPE OF COMMITTEE RESEARCH

The Committee, or individual members thereof, heard:

Ted Hallock, State Senator, Multnomah County

Myron B. Katz, American Civil Liberties Union of Oregon

William M. Keller, attorney, member, Citizens for Educational Freedom

Roger E. Martin, State Representative, Clackamas County

Leo Smith, attorney

The Rev. Howard B. Spaan, Pastor, Oak Hills Community Church; Citizens for Educational Freedom

Bert J. G. Tousey, Past President, Oregon School Boards Association and member, Masonic Public Schools Committee

T. W. Walters, Executive Secretary for Education, Northwest Conference of Seventh-Day Adventists.

The Committee reviewed the following Court decisions:

Board of Education v. Allen, 392 US 236 (1968)

Everson v. Board of Education, 330 US 1 (1947)

Lemon v. Kurtzman, 403 US 602 (1971).

Early v. Di Censo, Rhode Island, 403 US 602 (1971)

Robinson v. Di Censo, 403 US 602 (1971)

Tilton v. Richardson, 403 US 672 (1971)

Pierce v. Society of Sisters, 268 US 510 (1925)

Dickman v. School District, 232 OR 238 (1961).

Also presented were:

ACLU Position Paper

Statement of The Rev. Howard Spaan

*A New Constitution for Oregon*, A Report to the 52nd Legislative Assembly by  
The Commission for Constitutional Revision

Oregon Education Association position paper.



### III. HISTORY AND BACKGROUND

Since adoption of the original Oregon Constitution in 1857, Oregon has been committed to a strict policy of refusing direct funding to religious institutions. It is recognized, however, that religious institutions, whether churches, synagogues, temples or schools, do receive state aid in tax exemptions and in tax deductions to persons supporting religious institutions. However, no grants of funds have been permitted.

Oregon has had a history of separation of church and state. One might conclude that there was an anti-religious era when, in 1926, the Legislature passed legislation abolishing private and parochial schools. This statute was stricken down as unconstitutional under the U.S. Constitution in the U.S. Supreme Court decision in *Pierce v. Society of Sisters*, 268 US 510 (1925).

In 1941, the Oregon Legislature enacted what was codified as ORS 337.150, which provided:

"337.150 (1) Each district school board shall, in the manner specified in ORS 328.520 and 328.525, provide textbooks, prescribed or authorized by law, for the free and equal use of all pupils residing in its district and enrolled in and actually attending standard elementary schools or grades seven or eight of standard secondary schools.

"(2) For the purpose of ORS 328.520, 328.525 and 337.150 to 337.250 a school shall be standard when it meets the standards of the State Board of Education, except with respect to those standards applying to the ratio of pupils to the acre of school site, the square feet of classroom floor space per pupil and the ratio of pupils to teachers in classrooms, and when all teachers engaged in classroom instruction in said school hold a valid Oregon teaching certificate of the proper teaching level. The holding of such a teacher's certificate shall be evidenced by annual registration with the county school superintendent of the county in which the school is situated."

This statute was challenged in a case which was carried to the Supreme Court of Oregon: *Dickman v. School District No. 62C*, 232 Or 238 (1961). *Dickman* held that, under the Oregon Constitution, the state was prohibited from furnishing textbooks to parochial school students of primary or secondary levels (grades 1 through 8), and from the language of the decision it was obvious that the prohibition would apply at all levels of sectarian schools.

The U.S. Supreme Court denied a review of the case in 1962; in effect, allowed the decision to stand.

### IV. ARGUMENTS IN FAVOR OF THE MEASURE

Proponents of the measure have based their support on a number of reasons:

1. The measure will bring the Oregon Constitution into conformity with the United States Constitution.
2. The Federal Constitution and decision of the Supreme Court contain adequate protection for freedom of religion and separation of church and state.
3. There is a need for a pluralistic system of education.
4. It will offer some relief for public school districts.
5. Families using parochial schools pay school taxes but receive no benefits.
6. Families using parochial schools in Oregon do not receive the same treatment as families in states having less restrictive laws.
7. A means should be found to keep parochial schools healthy and growing, thus helping solve the property tax crisis.

### V. ARGUMENTS AGAINST THE MEASURE

1. Separation of church and state should be maintained.
2. Public funds should not be used to support religious philosophies.
3. Intrusion of state into church affairs is a threat to every religious minority. The present provision prevents such intrusion.

4. The framers of the Oregon Constitution meant to preclude aid to religious institutions.
5. Proposed amendment would open the door to other grants to religious institutions.
6. Present provisions avert controversy over which institutions get state funds.
7. Any advantage gained by parochial schools under this legislation would also be available to other activities of religious institutions with the attendant threat of state intrusion into activities of all religious groups.
8. Measure would divert public funds from public schools.
9. The proposal would promote duplication of schools.
10. If a parent wants parochial education for his child, he should be willing to pay the costs for such special schooling.

## VI. DISCUSSION

Both the proponents and the opponents of Measure No. 4 have based their arguments on whether state aid should be given to parochial schools. No other effects of the proposed amendment have been discussed.

Your Committee is advised that about 21,000 students attend parochial schools in Oregon; that 90 to 95 percent of these children are enrolled in Catholic schools and the remainder in schools conducted by Seventh-Day Adventists, Episcopal, Lutheran and Jewish religious bodies.

The Committee has also been advised, and considers it common knowledge, that parochial schools—principally those supported by Catholic parishes—are encountering a financial pinch and that some schools have been closed and further consolidations are being considered. It is in this context that the measure was studied and discussed.

Proponents of the measure have pointed out that the amendment would bring the State Constitution into conformity with the United States Constitution, so that uniformity might be obtained among the states, and, further, that Supreme Court decisions would give a uniform basis for aid to parochial schools. Inherent in this argument, also, is that the Supreme Court decisions contain adequate protection to safeguard separation of State and Church.

The fact must be faced, however, that the drafters of the Oregon Constitution meant to provide religious protection in addition to that provided for in the U.S. Constitution. This stance was affirmed by Oregon's Commission for Constitutional Revision in its draft of December 15, 1962, by inclusion of existing Article I, section 5 in the revision.

Further arguments in favor of the measure assert the need for a pluralistic system of schools, and the fact that such a system gives some financial relief to public school systems.

Members of the Committee recognize the advantages of the parochial system to parents and students, and that these schools do, to an extent, lessen the burden on public schools. The Committee believes, however, that parochial schools involve not only basic education but also actively teach the tenets of the religious faith.

"In short, parochial schools involve substantial religious activity and purpose.

\* \* \* \* \*

"The substantial religious character of these church-related schools gives rise to entangling church-state relationships of the kind the Religious Clauses sought to avoid." —Lemon v. Kurtzman, 403 US 602, at p. 616

Another argument in favor of the amendment is that the present prohibition against any aid is unfair to the patrons of parochial schools. The families of parochial students pay school taxes but receive no benefits and, further, Oregon patrons of parochial schools do not receive the same treatment as patrons in states having less restrictive laws. This argument cannot be met head on. The Committee accepts it.

The matter of school attendance, however, is one of choice. A parent weighs the advantages and disadvantages of available school systems and makes a choice: To patronize a public institution at no additional cost, or to insure his child's religious as well as educational program in a parochial school. The Committee concludes that it is not so much a matter of fairness as it is a matter of choosing the type of education most desired. The cost undoubtedly is involved and weighed in the decision-making.

The arguments of the opponents fall into several categories. The first four arguments say, basically, that the separation of church and state must be preserved.

The discussions concerning this measure tend to center solely this date on aid to parochial schools. However, it is apparent that the framers concerned themselves with separation of church and state at all levels. As Mr. Justice O'Connell said, in *Dickman*:

“. . . we regard the separation of church and state no less important today than it was at the time Article I, section 5 and its counterpart in other constitutions were adopted.”

—*Dickman v. School District*, 232 Or 238, at p. 246

The U.S. Supreme Court has seen fit to prohibit as unconstitutional virtually all forms of aid to parochial schools, with the exception of bus transportation<sup>1</sup> and loans of textbooks to students.<sup>2</sup>

Parochial students in Oregon now have school bus privileges, so, with the possible exception of the loan of textbooks, nothing is to be gained in this regard by amending the Oregon Constitution.

In contrast, amending the Constitution could expose Oregonians to unnecessary and unproductive controversy over religious lines.

The Oregon Supreme Court in the *Dickman* case considered this problem and said:

“It is argued that the strict notions of separation in vogue at the time of the adoption of our constitutional provisions no longer exist and that these provisions should be interpreted to reflect this change in attitude. Conceding that such change has occurred, there are still important considerations warranting the resolve that the wall of separation between church and state ‘must be kept high and impregnable.’ *Everson v. Board of Education*, supra, at p. 18. Among other things, the extension of aid to religious educational institutions could, as observed in *Judd v. Board of Education*, supra at 209, 15 NE2d at 581, ‘open the door for a dangerous and vicious controversy among the different religious denominations as to who should get the largest share of school funds.’ More important, perhaps, is the danger that the acceptance of state aid might result in state control over religious instruction. Some religious leaders, including leaders in the Catholic church, have opposed the acceptance of public funds on this ground. These considerations convince us that the wall of separation in this state must also be kept ‘high and impregnable’ to meet the demands of Article I, Section 5.”

*Dickman v. School District*, 232 Or 238, at pp. 258, 259

Finally, the Committee while concluding that state aid to religious schools is to be avoided, felt that there are systems within the constitutional frame by which patrons of parochial schools might obtain some relief from the double burden they bear. The Committee commends further study of such alternatives, but feels that such a study is outside the assignment given it.

<sup>1</sup>*Everson v. Board of Education*, 330 US 1 (1947).

<sup>2</sup>*Board of Education v. Allen*, 392 US 236 (1968).

## VII. CONCLUSION

Your Committee, after examining the evidence and arguments presented, has concluded that benefits to be gained from the proposed constitutional amendment are clearly insufficient to outweigh the inherent dangers to the present system and to the protections that the system provides.

Adoption of Ballot Measure No. 4 would take away an additional protection of religious freedom which is provided for the people of Oregon and assure them nothing they do not already have.

## VIII. RECOMMENDATION

Your Committee therefore unanimously recommends that the City Club go on record in opposition to State Measure No. 4 and urges a "No" vote on November 7, 1972.

Respectfully submitted,

Jace C. Budlong

Herbert O. Crane

Mason Janes

Howard D. MacAllister

Neil Meagher

Roman J. Okoneski, Jr., *and*

George S. Woodworth, *Chairman*

Approved by the Research Board, Sept. 14, 1972, for transmittal to the Board of Governors.

Received by the Board of Governors, Sept. 18, 1972, and ordered printed for presentation to the membership for discussion and action.

### CITY CLUB ACCEPTS REPORT ON MEASURE #9

The City Club Committee Report on State Ballot Measure #9, "Prohibits Property Tax for School Operation" was accepted unanimously by the membership present and voting on Friday, September 22, 1972. The report recommended a "No" vote on the initiative which advocates "Prohibiting the levy of property taxes to pay the operating expenses of elementary schools, high schools and community colleges."

Thomas L. Gallagher, Jr., Chairman of the City Club Committee, presented the report. Other committee members included Howard L. Cherry, M.D., Harry L. Demorest, Jerrold J. Isom, Thomas P. Joseph, Jr., Paul F. Mielly and Michael H. Schmeer. Michael Emmons was research advisor.

### BALLOT MEASURE SCORE: THREE DOWN, EIGHT TO GO

City Club Committees studying to report on nine measures on the state ballot and two measures on the Multnomah County ballot are scurrying to meet pre-election publication dates.

With this issue of the *Bulletin*, containing two state measures, three of the eleven are in print. The remaining eight will be scattered over the next five weeks, and some will necessarily precede scheduled speakers on some meeting dates.

Friday, September 29th, will be confined to discussion of the two measures printed herein. October 6th is reserved for Governor McCall, who will present his plans for school refinancing. On October 13th, Herbert Wegner, managing director of the Credit Union National Association, Inc., the World Council of Credit Unions, and CUNA Supply Cooperative, will share the program with the report(s) scheduled for that week.

Ballot measure reports in process for imminent publication include: State #1, "Eliminates Location Requirements for State Institutions"; State #2, "Qualifications for Sheriff Set by Legislature"; State #3, "Amends County Purchase and Lease Limitations"; State #5, "Minimum Jury Size of Six Members"; State #6, "Broadens Eligibility for Veterans' Loans"; State #7, "Repeals Government Retirement Act" (Initiative); County #10, "Documentary Stamp Tax Ordinance"; County #11, "Utility Tax Ordinance for Library."

### JAMES LEIGH UNOPPOSED FOR GOVERNOR BILLET

James S. Leigh, attorney, who was named by the Nominating Committee as candidate for the remainder of the governor term left vacant by the resignation of W. C. Reynolds, M.D., will stand unopposed for election on October 6, 1972.

The deadline for additional nominations, as provided by the Club's constitution, has passed without any further names submitted by the membership.

Leigh's term will run through May, 1973, the close of the current fiscal year.

### COMRIE, PLUMRIDGE ADDED TO RESEARCH BOARD

R. W. McMenamin, first vice president of the City Club and chairman of the Research Board, has appointed two new members to that Board, following approval of the Board of Governors.

William A. Comrie, an insurance executive with the firm of Campbell, Galt and Newlands, has served on three committee studies, on one of which he was chairman, and four terms on the Project Planning Board.

Peter A. Plumridge, an attorney who is District Counsel for the Small Business Administration, has also served on three committees and was most recently chairman of a May ballot measure study on County Revenue Bonds.

The Research Board currently directs the study of twenty-two committees, the 11 measures on the current ballot, and 11 long-range studies. Each committee is assigned a research advisor from the Research Board.

Committee personnel are still to be selected for the following long-range studies in the process of being established: Bull Run Reserve Use; Merged Management of Public Facilities; and Public Support for the Arts.

Members may submit their names for consideration for any announced Club study. A committee's personnel should be balanced as to experience, background, and other factors, so that volunteering isn't necessarily tantamount to appointment. The variety of professions, age, experience, etc., provides broad-based consideration of the issue under study and protects the objectivity of the committee's work.