10-19-1962

Report on Establishing New City Tax Base (Municipal Measure No.52); Report on Repeals School District Reorganization Law (State Measure No. 10), Report of Special Inquiry Directed to School Superintendents; Report on Legislative Apportionment Constitutional Amendment (State Measure No. 9); Report on Special City Tax Levy for Civil Defense and Disaster Relief (Municipal Measure No. 51)

City Club of Portland (Portland, Or.)

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REPORT
ON
ESTABLISHING NEW CITY TAX BASE
(Municipal Measure No. 52)

Charter amendment increasing city tax base from present base for 1962-63 of $13,781,009 which would amount to $14,607,869 for 1963-64, to $16,000,000 as new tax base for subsequent computation.

* * *

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

ASSIGNMENT

Your Committee was asked to study and report on Municipal Ballot Measure No. 52 whose ballot title is shown above. The measure would add a new section to the City Charter which would read as follows:

"Section 7-120. INCREASE OF PROPERTY TAX BASE. For the purpose of computing the property tax levy which may be made by the City of Portland for general expenses of the City for the fiscal year 1963-64, in accordance with the provisions of Article XI, Section 11, of the Constitution of Oregon, the tax base shall be increased from the present tax base for 1962-63 of $13,781,009, which would amount to $14,607,869 for 1963-64, to $16,000,000, and in subsequent years after adoption of this amendment the tax base for each year shall be computed from the new base hereby established."

BACKGROUND

In the May, 1962, primary election the voters rejected a proposal to increase the city’s tax base to $16,000,000 for the year 1962-63. Your Committee had recommended approval of that measure, and its report was adopted by the City Club.

Measure No. 52 would raise the tax base to $16,000,000 for the year 1963-64. However, the amount of the requested increase is $840,000 less than the previous request because of the allowed 6 per cent increase in the tax base occurring in the intervening year, and a slight increase in the tax base caused by a few annexations. Hence, if approved, this measure would raise substantially less revenue during a given period of years than would have been raised by the May proposal.

SCOPE OF REVIEW

Your Committee interviewed Commissioners Ormond Bean and William Bowes, Carl J. Wendt, Campaign Director of the Citizen’s for Portland’s Progress, a volunteer group, and also re-interviewed most of the other sources listed in its May, 1962 report, including those opposed to the measure as well as those in favor of it.


— The City Club committee which studied and reported on the measure on the May 1962 ballot to increase the tax base was reactivated to report on the current proposal, except for Robert C. Shoemaker, Sr., who is now serving on the Research Board, and Mr. DeWitt Robinson, deceased.
ARGUMENTS

The arguments advanced for and against the May proposal are applicable to the present proposal. To quote from that report:

"ARGUMENTS ADVANCED IN FAVOR OF THE MEASURE"

"1. With available general funds the services rendered by the City are at a bare minimum and additional revenues are required for normal operational and housekeeping expenses.

"2. Portland needs many capital improvements projects which cannot be financed with existing revenues.

"3. Special levies for several programs (such as street lighting and parks) will soon expire or have expired, and continued financing will have to come either from the general fund or from further special levies.

"4. An increase in tax base will permit an orderly, planned capital improvement program and eliminate 'popularity contests' for special levies on the ballot.

"5. The City has acquired through special levies new facilities the maintenance of which will have to be borne by the general fund.

"6. The increase in tax base is modest when compared with the needs for a comprehensive capital improvement program.

"ARGUMENTS ADVANCED AGAINST THE MEASURE"

"1. There is no planned capital improvement program at present and no assurance that additional funds will be well spent.

"2. Property is bearing an unfair share of the City's expenses, and other means should be utilized to raise any additional funds needed.

"3. The permissible six percent increase from the present base will give the City adequate funds over the years."

DISCUSSION AND CONCLUSIONS

No miracles have occurred since the previous report of this Committee, and the City's need for additional funds still exists. Some of the uses of such funds presently under consideration by the Council are a new 28th Avenue bridge, grade separations at S.E. 17th and Powell and at East Burnside and 12th, sewer repairs and replacements, improved municipal court facilities, improved jail facilities, equipment maintenance and replacement, additional traffic controls, and an expanded police force.¹

The measure under study will do less than the May proposal toward satisfying the City's problems because of the smaller requested increase in the tax base, but approval of the measure will make possible better-planned programs to meet the existing and increasing operational and capital needs of the City.

RECOMMENDATION

Your Committee recommends that the City Club go on record in favor of Ballot Measure No. 52.

Respectfully submitted,
Dr. C. D. Babcock
Forrest Blood
Dr. Earl Dryden
John R. Hay
Kenneth S. Klarquist, Chairman

Approved by the Research Board October 11, 1962, for transmittal to the Board of Governors.

Received by the Board of Governors October 15, 1962, and ordered printed and submitted to the membership for discussion and action.

¹A more complete list of needs and projects is contained in your Committee's May 1962 report. See Footnote 1.
REPORT
ON
REPEALS SCHOOL DISTRICT
REORGANIZATION LAW
(State Measure No. 10)

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

This Committee was assigned the responsibility of reporting to the membership regarding Initiative Petition, Measure No. 10, bearing the ballot title: "Repeals School District Reorganization Law" and the expressed purpose:

"Repeals School District Reorganization Law. Establishes unified districts. Reinstates former county unit systems in place of administrative districts. Authorizes elections to reinstate former districts." (The complete text of the measure can be found in the Voter's Pamphlet.)

The Measure, sponsored by "Serve Our States, Inc.", has been certified to the November 6, 1962 General Election ballot by reason of the petitions presented to the Secretary of State bearing 45,788 valid signatures. There were 13,874 signatures from Marion County; the balance was from all other counties in the State of Oregon excepting the counties of Crook, Deschutes and Klamath.

SOURCES OF INFORMATION CONSIDERED BY THE COMMITTEE

Your Committee was assisted in its inquiry into this subject by consultation with interested and informed persons, including:

Dr. Verne D. Bain, former Assistant State Superintendent of Education for 14 years under C. A. Howard and Rex Putnam;
Mr. George Baldwin, former advisor to the Oregon State Department of Accounting and former Clerk of Portland School District No. 1;
Mrs. Everett DeMars and Mrs. Audrey Henry, residents of the Gilbert area of David Douglas School District;
Dr. Victor Doherty, Research Director, Portland School District No. 1;
Mr. Howard F. Horner, Principal of David Douglas High School;
Dr. Dorothy Joliansen, professor of history at Reed College and former member of the Board of Portland School District No. 1;
Mr. Leo Marlantes, former principal of Seaside Union High School and currently Assistant to the President of Clatsop College in Astoria;
Mr. John Mosser, attorney, who was a member of the Oregon Legislature representing Washington County, during the session the present School District Reorganization Law was passed;
Mr. D. W. Patch, Director of School District Reorganization, State Department of Education;
Mr. Cecil Posey, Executive Secretary, Oregon Education Association;
Mr. Rex Putnam, former state superintendent of Public Instruction for 20 years, including the period in which the reorganization law was adopted;
Mrs. Mary Rieke, member, Portland School District No. 1 Board;
Mr. Thomas Scanlon, Research Director for the AFL-CIO; and
Mr. William Wyse, current chairman of the Portland School District No. 1 Board.

In addition, a questionnaire was prepared by your Committee and was sent to school superintendents throughout the state, including county-wide, first, second and third-class districts. Their responses are tabulated and analyzed in the appendix at the end of this report.
The Committee considered the December, 1960 report submitted by the Legislative Interim Committee on Education to the Governor and 51st Legislative Assembly; reports issued by the Department of School District Reorganization of the Oregon State Department of Education to school authorities, reporting on the developments under the 1957 school district reorganization law and summarized in an analysis of the initiative measure directed to the repeal of that law; materials made available by the Oregon Education Association; and materials made available by the Committee for the Repeal of School Reorganization Law.

THE BACKGROUND OF THE ISSUE

Initiative Measure No. 10 seeks the repeal of the 1957 School District Reorganization Law as amended. The present law is the product of many years of Legislative concern. In 1939, the Legislature, examining the mysterious and misleading collage of school districts and organizations, appreciated the critical need for reorganization and directed the several counties to initiate a study of the problem. (Oregon Laws 1939, Chapter 468). The T. C. Holy study of Oregon's schools reported in 1949 that the organizational confusion of Oregon's schools was a serious obstacle to better school education of Oregon's children and proposed a comprehensive school planning project. The Oregon Legislature in its 1951 session drafted a statewide reorganization plan (Oregon Laws 1951, Chapter 434) but that plan was defeated by referendum vote promoted largely by the State Grange. The 1955 Legislature established a Legislative Interim Committee and separate county study committees. (Oregon Laws 1955, House Joint Resolution No. 19.) The resulting studies of school organization and finance again urged a reorganization plan.

The reorganization law as enacted in 1957 (Oregon Laws 1957, Chapter 619) had as its purposes:

First, that the school district reorganization law was to require local study of the problem by each county. This purpose has been well served.

Secondly, that the law was to provide adequate machinery to permit the rearranging of school district boundaries which had developed over the years when consideration had not been given to present community groupings.

And third, that the law was to encourage and effect, under cohesive administration, consolidation of high school and the several grade schools which supply its students.

The law contemplated:

(1) That in each county there would be established a committee, consisting of nine members, charged with responsibility to "prepare a comprehensive plan for the reorganization of school districts within the county" and providing "for the incorporation of all areas of the county into one or more administrative school districts."

(2) That each plan so promulgated was required to "furnish efficient and adequate education opportunity for all the pupils in grades 1 through 12", excepting that in the discretion of the State Board of Education, a district might be limited to grades 1 through 8.

(3) That the plans so formulated would be submitted for the approval of the State Board of Education and were subject to open hearing before such approval was accorded.

(4) That each comprehensive reorganization plan approved by the State Board of Education was then subject to a special election of the voters within the several administrative school districts proposed to be formed under the approved plan, except that in the case of an approved district where no change in boundary was involved, no election was required. Upon such election:

(a) Subject to the right of a rejecting district, as outlined in Subparagraph (b), the favorable vote of a majority of all the votes cast by legal school voters residing within the boundaries of a proposed administrative school district established that new district.

If the majority of the votes cast disapproved the reorganization, the proposal would fail.
The original 1957 Act provided that

(b) the votes cast within the total proposed administrative school district would be counted by pre-existing school district units and, if sixty per cent or more of the votes cast within any pre-existing school district unit were against the formation of the administrative school district, the administrative district would nevertheless be formed unless, within 30 days following the election, an opposing petition were filed by a number equal to fifty per cent or more of the legal school voters who voted in the rejecting school district. In the event such a petition were filed, a second election would be held within the rejecting district, and the administrative school district would include the rejecting district only if a majority of the votes cast at that election favored the plan of reorganization. This is the so-called “60-40 clause” which was removed by the 1961 Legislature (Oregon Laws 1961, Chapter 411). The law as so amended now provides that a pre-existing school district which by majority vote rejects the plan for reorganization will be omitted from the proposed administrative school district unless those in that pre-existing district favoring reorganization accept the burden of petitioning for a second election and therein prevail by majority vote.

The existence of the County Committee for Reorganization terminated by statute June 30, 1962. The functions of the County Reorganization Committee, including the function of proposing new plans of reorganization, were assumed by the county rural school boards. A plan of reorganization proposed by the county rural school boards under the current law is first submitted for the approval of the State Department of Education. After the State Department of Education gives its approval:

1. If the proposed plan affects an administrative school district which has been created since 1957, including the addition of territory to such an administrative district, then no election to act upon the plan is required unless a petition of remonstrance is filed.

2. If the proposed plan does not affect an established administrative school district, the regular procedure involving public hearing and election must be observed. (ORS 330.630).

Since the 1957 Act, 82 districts have been formed. Of these, 50 districts have involved bringing two or more grade schools under a common administration. Two of the districts have created county unit districts, and the remaining 30 new districts have involved consolidation of 12-grade school systems. In 1957 there were 709 school districts in the State of Oregon. Under the present law this number has been reduced to 453.

This trend to decrease the number of school districts began in Oregon long before 1957. In this state, consistent with the trend over the United States, the reduction in the total number of school districts at selected intervals from 1931-32 to 1959-60 has been as follows:

<table>
<thead>
<tr>
<th></th>
<th>1931-32</th>
<th>1939-40</th>
<th>1949-50</th>
<th>1959-60</th>
<th>1959-60</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oregon</td>
<td>2,234</td>
<td>2,015</td>
<td>1,179</td>
<td>625</td>
<td>71.0%</td>
</tr>
<tr>
<td>Total U.S.:</td>
<td>27,422</td>
<td>116,999</td>
<td>83,642</td>
<td>40,605</td>
<td>68.13</td>
</tr>
</tbody>
</table>

ARGUMENTS ADVANCED IN FAVOR OF INITIATIVE MEASURE NO. 10

Arguments favoring repeal of the law presented to your Committee were as follows:

1. Repeal of the law would allow return of elementary districts to their pre-1957 status. This, in turn, would allow the same local control of these districts as originally enjoyed.

2. Repeal of the law would allow residents of each district to decide for themselves how large their district shall be and where their children shall attend school.

1On July 1, 1960, Oregon had 517 school districts.

2Percent of decrease as of July 1, 1960—76.88,
3. Repeal of the 1957 law as amended will stop "forced" reorganization.
4. Repeal would return an automatic right to vote on any consolidation involving a school district.

ARGUMENTS ADVANCED AGAINST INITIATIVE NO. 10

Arguments in opposition to the repeal of the law submitted to your Committee were as follows:

1. Repeal would in essence open the door to undo all reorganized districts created since 1957.
2. Repeal would mean that a reorganized district may be divided into its original districts, in which event an almost impossible task would arise in attempting to "unscramble the eggs". The division of new buildings, outstanding bonds, books, supplies, buses, and personnel involved, having to be pro-rated among former districts, could lead to chaos and endless litigation.
3. Repeal could result in reactivating old school districts, new elections for reactivated school boards, new budgets and new administrative setups with resulting confusion and expense.
4. Repeal might lead to a loss of school lunch programs in small schools, to a lack of gymnasium facilities, to a reduction in curriculum offerings, and to a reduction in the quality of the curriculum. For example, a larger district could offer foreign language in the lower grades by a full-time language teacher. A smaller school would possibly be able to offer foreign language by a teacher who might also teach art, music, or physical education.
5. Repeal would allow a mere 50 voters to force yearly elections to return a district to its former status of several small districts.
6. Repeal would impose a system based upon a precinct-unit basis (Sec. 9). The result could be that substantially less than a majority of voters within a district could effect its dissolution.
7. Repeal would again allow to develop those uneconomic practices such as small-lot purchasing and superficial accounting often associated with administrative wastes of small school districts.

DISCUSSION

Repeal of the existing school district reorganization law is advocated by those sponsoring this initiative, based on two major contentions. The first of these, and perhaps the more important, is the charge that the present reorganization was effected by unfair and undemocratic methods. The second is the claim that local control of a school area has been lost. It is presumed that "local control" in this sense means control by taxpayers within the district served by a specific school building.

The Committee acknowledges some substance to the "forced reorganization" argument advanced by the proponents of Initiative No. 10. Reorganization of the school district structure has taken place under the "60-40" voting rule (see explanation in Background section of this report) which could be interpreted as inconsistent with traditional democratic procedures. Though this has since been changed (effective July 1962), much reorganization has already taken place, and the fact of reorganization makes it difficult to retrace our steps in a democratic fashion.

Despite the shortcomings of the "60-40" clause, it was an improvement over the Union High School Law which existed prior to 1957. The latter forced inclusion of a dissenting district if the Union High School proposal had the support of a majority of voters within the unified district and a majority of the included school districts. There was no provision for avoidance.

In the judgment of the Committee, the overriding consideration appears to be: Have we improved our schools under school reorganization?

The Committee believes that the quality of education in the state has been improved by implementation of the Reorganization Law. The law has permitted
the amalgamation of many small districts into larger units, with resultant improvement in the quality of teaching and curriculum. Special education has been made available in additional schools and administrative efficiency has been enhanced. In short, our dollars are purchasing better quality education.

The benefits of reorganization, which might be lost if Initiative No. 10 were adopted, are demonstrated, for example, by contrast between present reorganized districts and one Clatsop County grade school which has rejected reorganization under the present Act. The principal of that eight-grade school is also the only teacher for the combined 7th and 8th grades. This man is both teacher and administrator, and although a very capable man, cannot humanly be expected to do full justice to either job. The students of this school would certainly benefit from a merger with nearby schools.

The Committee also believes invalid the argument that under the present act there is a loss of local control. A mechanism for local control is and has been a part of the present reorganization act and is accomplished through elected representatives from a particular school, meeting with and advising the district school board (ORS 330.533). This mechanism has not been employed widely, either because of lack of interest or because the taxpayers served by a school have been ignorant of the existence of this procedure.

School District No. 1 has never been designated an "administrative school district" under the present Act. There appears to be no direct affect to it from action on Initiative Measure No. 10. Beaverton, Parkrose, David Douglas and other neighboring districts would be directly affected. However, whether or not there is a direct result to the Portland area, your Committee believes that Portland residents in common with other citizens of Oregon have a significant interest in the action to be taken on this measure.

**CONCLUSION**

Your Committee feels that adoption of Initiative No. 10 would endanger the educational progress that has been made under the Reorganization Law of 1957, as amended.

**RECOMMENDATION**

Therefore, your Committee unanimously recommends that the City Club oppose the adoption of this initiative and recommends a "No" vote on Ballot Measure No. 10.

Respectfully submitted,

Dr. Read Bain
William F. Caldwell
Donald M. Comfort
Dr. Herbert Goodman
H. Dale Meredith
Andrew V. Smith
R. W. Nahstoll, Chairman

Approved by the Research Board October 9, 1962, for transmittal to the Board of Governors.

Received by the Board of Governors October 12, 1962, and ordered printed and submitted to the membership for discussion and action.
APPENDIX

REPORT OF SPECIAL INQUIRY
DIRECTED TO SCHOOL SUPERINTENDENTS

Your Committee prepared and mailed questionnaires to superintendents of various sized districts throughout the state, seeking opinions on four major points:

1. What are the main advantages of the present School Reorganization Law?
2. What are its main faults?
3. (a) If faults are cited, how, in your opinion, would Measure No. 10 lessen them?
   (b) How would it increase them?
4. (a) What are the most common complaints, if any, about the present law that have come to your attention?
   (b) Is there any noticeable increase or decrease in the number of complaints?

The questionnaire was sent to 142 superintendents and 83 replies are received to date. Distribution of questionnaires and percentage who replied are:

(a) all county superintendents (65%)
(b) the superintendents of all cities over seven thousand (7000) population (70%)
(c) forty superintendents in communities between two thousand (2000) and seven thousand (7000) (52%)
(d) 46 superintendents in towns and rural areas under two thousand (2000) population (54%)

Attempt was made to take samples in categories (c) and (d) over five crude ecological areas of the State. However, the replies from the respective areas are so few that no valid inference can be drawn on any region-by-region basis.

Of the thirteen county superintendents who did not reply, five (5) were in the Southeast area. The Northeast and Central areas responded with a seventy per cent (70%) return.

All of the 23 county superintendents replying, except one, agreed that the Reorganization Law has worked well and that such minor faults as it has would not be diminished, but rather greatly increased, if Initiative Measure No. 10 were adopted. Fifteen of the respondents reported that complaints against the present law had greatly decreased, and six indicated no change in the incidence of complaints.

The advantages of the Reorganization Law and the objections to it cited by the superintendents are similar to those recorded in the “Arguments” section of this report.

The replies of the superintendents in the larger cities (over 7000) agreed substantially with those of the county superintendents. Eleven of the fourteen said that Initiative Measure No. 10 would not mitigate any of the minor faults of the present law, and ten said it would greatly aggravate them. Twelve of the fourteen definitely opposed the Initiative, and two expressed no opinion. Six said there are no complaints against the present law; five said they are declining; two said they are relatively constant, and four reported they had heard no complaints.

In the “under 2000 and rural” category, 17 of the 25 respondents vigorously opposed Initiative Measure No. 10; five took no position, and two seemed to imply that they hoped the bill will pass. Thirteen of them thought Measure No. 10 would not mitigate any of the faults of the present law; thirteen thought it would increase them, and one said the adoption of the Measure would reduce the faults of the present law. Fourteen said complaints against the present law are decreasing; three reported an increase, and one said “about the same”.

Of the 83 replies, 71 superintendents definitely opposed Measure No. 10; nine expressed no opinion, and three seemed to favor the adoption of the Measure. Opponents to the Measure used such phrases as: “would set back education many years”, “educational chaos”, “financial confusion”, “endless litigation”, “present law needs more teeth”, etc. These voluntary expressions of overwhelming support of the present law, together with almost unanimous condemnation of Measure No. 10 are of self-evident significance.

Although the questionnaire did not ask for signatures, promised anonymity, and agreed not to quote without permission, almost all superintendents signed their replies, and many volunteered permission to quote. Apparently the school administrators are willing to stand and be counted.
REPORT
ON
LEGISLATIVE APPORTIONMENT
CONSTITUTIONAL AMENDMENT
(State Measure No. 9)

Purpose: Changes legislative apportionment formula. Creates 30 permanent representative Districts. Permits enlargement of Senate to 35. Enlarges house to 65 or more. Provides for enforcement.

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

INTRODUCTION

Your Committee was appointed to study and report upon the above ballot measure which will be on this November's general election state ballot. This is an initiative measure to amend the present constitutional provisions for apportionment of legislators among the several counties of the state. The proposed amendment would replace a section last amended in 1952. The immediate occasion for the campaign which placed this measure on the ballot was the two decisions of the Oregon Supreme Court in the fall of 1961, giving a construction to the 1952 constitutional provision which the sponsors of the present measure believe requires correction.

Your Committee was directed to study and report on the measure and to recommend whether it should be adopted at the November election.

SUMMARY OF THE MEASURE

The amendment proposed by Measure No. 9 makes an assignment of Senators and Representatives among the counties of the state, to be effective from 1964 until the next decennial reapportionment, which would normally occur in 1971. Provision is made for reassigning Senators whose terms would expire later than January, 1965, and whose elective districts are changed by the initial apportionment, and the initial apportionment would otherwise be effective for the 1964 general election.

The measure then provides a formula for the apportionment which is required to be made after the results of the 1970 Federal census are available and each decade thereafter. The apportionment is arrived at as follows:

IN THE SENATE: Membership is changed to provide a minimum of 30 Senators, the present number, and a maximum of 35. Apportionment of the Senate is based upon population units equal to 1/30th of the population of the state and is made according to the following steps:

(1) Each county is first assigned a number of Senators equal to the number of whole population units in such county.
(2) Every other county with a population less than a whole but more than half a population unit is next assigned a Senator.
(3) Contiguous counties which each have less than half a population unit are then combined and each such district is assigned one Senator.
(4) To each county or district already having one or more Senators and which has more than half an additional population unit is then assigned an additional Senator, within the maximum limit of 35, in the order of magnitude of such additional fractions.

IN THE HOUSE: Minimum membership increases from 60 to 65.

(1) Thirty representative districts are established, consisting of 25 single-county districts, four two-county districts, and one three-county district, and one representative is assigned to each district.
(2) The remaining 35 seats are apportioned to the districts on a basis of strict population formula, in the same fashion as provided for the Senate.
Another representative is given to any such district which has more than four times the population per representative occurring in any other district.

The measure provides for apportionment by the Secretary of State if the Legislature fails to act. Provision is made for Supreme Court review of any apportionment.

In Appendix I we reprint parts of the measure prescribing the method of apportionment to be used following the census of 1970 and decennially thereafter. The rest of the measure we have omitted as non-controversial and also as similar in purpose and effect to the corresponding present constitutional provisions.

SCOPE OF RESEARCH

The Committee interviewed the following proponents of the measure: Secretary of State Howell Appling, Jr.; State Representative George J. Annala; Rudie Wilhelm, Jr., President of the Portland Chamber of Commerce and former President of the Oregon Senate, and Clay Myers, Portland insurance executive who helped draft the 1952 reapportionment amendment. The Committee also interviewed the following opponents of the plan: State Senator Vernon Cook; Donald W. Balmer, Professor of Political Science, Lewis and Clark College; William S. McLennan, Portland attorney, and Myron Katz, economist, Bonneville Power Administration.

The Committee received and considered communications from the following persons favoring the measure: E. B. Lemon of Corvallis and J. Robert Jordan of Portland, co-chairmen of the measure’s sponsoring organization—Citizens’ Committee for Representative Government; Jackson County Commissioner Chester H. Wendt, and State Senator Walter J. Pearson. The Committee also received and considered a communication from former Governor Charles A. Sprague, publisher of the Salem Statesman, opposing.

The measure is opposed by the Bipartisan League to Retain Equal Representation, and by the Oregon League of Women Voters.

Your Committee did not attempt to obtain a complete list of organizational or individual positions on this measure.

Members of the Committee read a considerable volume of material furnished by or suggested as reference material by the proponents and opponents; a number of Federal and State Court cases involving reapportionment, as well as past City Club reports on prior apportionment measures.

HISTORY AND BACKGROUND

History of Apportionment in Oregon

A. The first century

The Oregon Constitution, adopted in 1857 and becoming effective in 1859 when Oregon achieved statehood, provided initially in Article IV, Section 2, for 16 Senators and 34 Representatives which the Legislature might—after 1860—increase (keeping the same ratio) to a number never exceeding 30 Senators and 60 Representatives. Section 5 of Article IV also provided for a state census in 1865 and every tenth year thereafter. The last state census was taken in 1895, and none has been taken in this century.

Section 6 of Article IV as originally enacted read as follows:

"The number of Senators and Representatives shall, at the session next following an enumeration of the inhabitants by the United States or this State, be fixed by law, and apportioned among the several counties according to the number of white population in each. And the ratio of Senators and Representatives shall be determined by dividing the whole number of white population of such county or district, by such prospective ratios; and when a fraction shall result from such division, which shall exceed one-half of said ratio, such county or district shall be entitled to a member for such fraction. And in case any county shall not have the requisite population to entitled such county to a member, then such county shall be attached to some adjoining county for senatorial or representative purposes."

Section 7 of Article IV as originally enacted required senatorial districts consisting of more than one county to be composed of contiguous counties and prohibited
division of any county in creating senatorial districts. A provision was added at the
general election in 1954 permitting subdistricts to be created by the Legislature in
districts consisting of a single county.

Some time prior to the turn of the century, the maximum of 30 Senators and
60 Representatives was reached. Presumably, growth in population of the various
counties until then was taken care of by the additional legislators permitted by
Article IV, Section 2 of the 1857 Constitution which has remained unchanged to date.

Until the constitutional amendment of 1952, referred to below, the last major
apportionment of the House of Representatives was made in 1903 and of the Senate
in 1907, both being based on the 1900 census. Minor adjustments were made in
1921, 1931, and 1933.

B. 1949-1952

After World War II, considerable interest arose in reapportionment. A 1949
session measure known as Senate Bill 86 and introduced by Senator Richard Neu-
berger was defeated on the floor of the Senate. A constitutional amendment was
drafted by the CIO and AF of L after that session and advanced as an initiative
measure. It required mandatory apportionment on a population basis. The propon-
ents did not succeed in obtaining enough signatures to get it on the ballot. A com-
peting initiative proposal, which was the subject of a City Club report published
October 27, 1950, in the Club’s Bulletin, did find a place on the 1950 ballot. This
measure would have given at least one Representative to every county in the state
regardless of population, while retaining a maximum of 60 Representatives, and
would have increased the number of Senators to 36, but would have permitted them
to represent more than one county. The measure failed of passage, which was the
action recommended by the 1950 City Club study committee and by the City Club
membership vote.

C. The 1952 Amendment and the Court.

The first successful amendment to Section 6 of the Constitution was proposed
by initiative and adopted at the general election in 1952 and is now in effect. It
received bipartisan support, with the Young Republicans, Young Democrats, and
the League of Women Voters actively campaigning for it. Section 6 (1) of the
1952 Amendment corresponds to Section 6 of the 1857 Constitution. It omits refer-
ence to state census and to white population, retains to a large extent the former
language and concepts while expanding the statement somewhat, and reads as follows:

“(1) The number of Senators and Representatives shall, at the session
next following an enumeration of the inhabitants by the United States Gov-
ernment, be fixed by law and apportioned among the several counties accord-
ing to the population in each. The ratio of Senators and Representatives,
respectively, shall be determined by dividing the total population of the
state by the number of Senators and by the number of Representatives.
The number of Senators and Representatives for each county or district
shall be determined by dividing the total population of such county or dis-
trict by such respective ratios; and when a fraction exceeding one-half
results from such division, such county or district shall be entitled to a
member for such fraction. In case any county does not have the requisite
population to entitle it to a member, then such county shall be attached
to some adjoining county or counties for senatorial or representative
purposes.”

The remaining subsections of the 1952 Amendment provided for enforcement
measures, for an apportionment to be effective until the reapportionment after the
1960 census, and for the effective and operative dates of that Amendment.

Under this amendment, the 1961 Legislature passed a reapportionment act
which had bipartisan support and was passed by large majorities in both Houses.
In an effort to assure representation to as many counties as possible having a ratio
of population to senatorial or representative ratio exceeding one-half, the Legislature
apportioned to Multnomah County only seven senators and sixteen representatives,
instead of the eight and seventeen to which its population ratios of 8.86 and 17.73
clearly entitled it. The Bill was challenged in the Supreme Court on this and other
grounds as well, but was held unconstitutional on this one ground. As the 1952
Amendment provided, the Secretary of State was then directed to prepare an appor-
tionment plan. He did so. After reporting it to the Supreme Court, he was permitted to make an adjustment to the plan. Unless Measure No. 9 or some similar change is enacted, Secretary Appling's adjustment plan will remain in effect until the 1971 reapportionment.

ARGUMENTS PRESENTED FOR THE MEASURE

The following arguments for the measure were presented to your Committee:

(1) The measure improves population representation in the Senate to not over 3:1 as compared to 4:1 disparity possible under the 1952 amendment, and it holds the disparity in the House to no more—4:1—than can occur under the 1952 amendment.

(2) The measure by the use of fixed representative districts guarantees to every person in the state that he shall not be deprived of effective representation in the Legislature solely because he lives in a rural or thinly populated county.

(3) The Supreme Court's 1961 interpretation of the 1952 amendment permits substantial gerrymandering to favor one party or one population group over another. These possibilities are eliminated by the detailed requirements of the proposed amendment.

(4) The presence in the Legislature of at least one representative who knows the people and the problems of each part of the state will tend to produce better-screened and better thought-out legislation.

(5) The present Constitution requires an even number of legislators in both Houses. The present measure permits an odd number to be obtained in both Houses.

(6) The measure contains certain improvements upon the present enforcement procedure.

ARGUMENTS PRESENTED AGAINST THE MEASURE

The following arguments against the measure were presented to your Committee:

(1) Equality of representation, like manhood suffrage, is a basic principle of democratic government. Any departure from which requires justification by good and sufficient reasons.

(2) The present constitutional provision for legislative apportionment which has now been construed by our Supreme Court and applied in practice, has given us a reasonably just and fair apportionment of senators and representatives based on population.

(3) The apportionment of senators and representatives according to population under the present constitutional provisions has caused most political scientists to place Oregon at or near the top of all the states for fairness and equality of its legislative representation.

(4) The present constitutional provision, by laying down guide lines for apportionment based on population but leaving application to the legislature, is sufficiently flexible to make it adaptable to any future changes in population.

(5) The new departure in the proposed amendment of creating 30 permanent legislative districts by the Constitution and arbitrarily assigning one representative to each, irrespective of population, is an unjustifiable departure from the principle of equality in representation and also creates a constitutional rigidity in the system which is almost certain to lead to greater inequality in the future.

(6) The proposed amendment is objectionable in that it provides for an indefinite increase in the size of the Senate from 30 up to 35 members, and for an indefinite and unlimited increase in the size of the House, based upon an ambiguous apportionment formula under which the House might necessarily be increased to a size that is unwieldy to operate and costly to maintain.

(7) While it is desirable that the members of both the Senate and the House consist of odd numbers, there is no assurance that either body would be so constituted under the proposed amendment.

(8) The substantial increases in the size of the Senate and the House provided for in the proposed amendment would not add to the efficiency of the Legislature. History has not shown that efficiency of legislatures improves in proportion to increase in size, but rather indicates that efficiency is best obtained by bodies of the minimum size adequate to do the work. The present memberships of 30 Senators and 60 Representatives have been found adequate.
GENERAL DISCUSSION

It appears to your Committee that the Constitution of Oregon since 1857, including the period during which the 1952 Amendment to Article IV, Section 6, has been effective, has provided essentially that the Senators and Representatives who are not to exceed 30 and 60 in number, respectively, shall be apportioned among the several counties according to their population; that any county shall be entitled to a Senator or Representative if its population, when divided by the ratio of persons in the state per Senator or per Representative, respectively, yields a fraction exceeding one-half; and that any county not having a sufficient population so that division by the senatorial or representative ratio, respectively, will yield a fraction exceeding one-half shall be attached to some adjoining county for senatorial or representative purposes.

The question left unsettled by the foregoing statement is: What priority in the apportionment process shall be given to counties which have populations more than one-half of the population ratio per Senator or per Representative? The framers of the 1952 amendment thought that such counties were entitled to preference; the Oregon Supreme Court in 1961 rejected this idea and called such major fractions “a mathematical excessence” which they say the Legislature or the Secretary of State may deal with in a wide variety of ways and in no particular priority. This setback at the hands of the Court appears to have sparked the campaign to place Measure No. 9 on the ballot.

In view of the original size of the Oregon Legislature and the original number of counties, we may safely assume the draftsmen of the 1857 Constitution did not foresee the full difficulties of this problem. To illustrate it as simply as possible, let us assume a state with a population of 30,000 evenly distributed through thirty counties, in which the maximum number of senators permitted by law is thirty. Apportionment is a simple task: one senator to each county. Let us further assume that county boundaries must be respected in allocating senators and let us then increase the number of counties to thirty-six (the number of counties in Oregon). The population of each county, if it remains evenly distributed, will now be 30/36th of the senatorial ratio, 1,000 voters per senator. This fraction is obviously more than one-half. Under the 1857 Oregon Constitution, each of the thirty-six counties could therefore legitimately claim that the constitution required it to be given a senator. This is the difficulty—the fact that there may be more counties whose ratio of population to senatorial ratio exceeds one-half, than there are available senators to be assigned among the counties. This same difficulty arises when actual figures of county population are used for the Oregon counties, although use of actual figures makes the problem more difficult to state and to perceive.

The Committee is generally of the opinion that any formula which prescribes the joining of counties into a single district for either house generally tends to the end that the county with the largest population elects the Senator or Representative from such district, whether under the present Constitution or under the Initiative Measure No. 9, and this is an insurmountable obstacle to the exact application of the theory of “one man, one vote”.

It follows, therefore, that under the present Constitution, or under the proposed amendment, some counties will hereafter complain that other counties or districts have more voice in the Legislature, based on population, and/or that the interest of others is being overlooked.

The theory of representation for both houses of the Legislature in Oregon has always been by county, and this is carried forward into Initiative Measure No. 9.

It is probable that no one will ever be able to devise a constitutional amendment that can take care of a situation in both Houses, with some counties or districts decreasing in population, both actually and proportionately, and other counties or districts increasing in population, both actually and proportionately, and there will be further moves to amend the Constitution.

Generally speaking throughout all of the United States, including Oregon, legislators have been slow to reapportion, even when required by the Constitution to do so. The present Constitution and Measure No. 9 both include a means of enforcement of the reapportionment provision, and the need is obvious.

There appears to be general agreement that the population of this state will
increase considerably in future years, and that this increase on the whole will probably be concentrated in the counties which are already the more populous ones.

The Committee does not attach to this report maps or tables showing estimated projection in the future of population trends in Oregon. The location of a large payroll in any portion of Oregon would change the forecasted trends furnished by past data.

No detailed discussion need be given to the apportionment proposed for the period from 1964 to 1971. This apportionment differs in only minor respects from the one presently in effect, and no objection was voiced to it by anyone from whom the Committee heard.

This Committee also considered it unnecessary to dwell on the provisions of the measure relating to enforcement and to hold-over Senators, as these depart in only minor respects from the similar provisions in the 1952 amendment, and approval of the few changes made was voiced by the persons from whom your Committee heard.

Section 6b of the proposed amendment is the one that would allow, under certain conditions, an additional representative or representatives to various districts.

The strict interpretation of this Section is that it would allow only one representative. The liberal interpretation is that it would allow as many as necessary to bring the ratio again to the limits of four-to-one.

This section would be applied as follows: The minimum number of 65 representatives is first assigned by giving one to each representative district, thus using 30, and by assigning the next 35 representatives among the districts according to their population. The population per representative of each district would then be examined. Assuming that the smallest population per representative found was 1 to 10,500, under the strict interpretation, any district having a population per representative more than 4 times that figure, or more than 12,000 per representative, would be entitled to only one more representative. Under the liberal interpretation of this provision, any district which was found to have a population per representative more than 4 times that figure would be given as many more representatives as would be needed to reduce its population per representative to within the 4 to 1 ratio.

Under either interpretation, either shrinkage in the population of the smallest district or great growth in the population of the larger districts, to a point in excess of what could be adjusted by the second-step distribution of 35 representatives, might require the application of Section 6b.

The Committee believes that the Supreme Court of Oregon may be called upon to determine the meaning of this Section, if the measure passes. Its decision could not be obtained until 1971, the earliest date when any test case could be filed.

The Committee has only considered the meaning placed upon Section 6b given by those in favor of the Act, and the general interpretation given by those against the Act, and has not attempted to determine if the Supreme Court might give some other interpretation.

Recent Federal Supreme Court cases were examined by your Committee, as well as a number of lower Federal court cases decided since those decisions, in which the apportionment of various states had been called in question. Based upon these reported cases, it is your Committee's opinion that there is no reasonable likelihood that either the existing constitutional provision of our state or the proposed measure would ever be found to violate the Federal Constitution. This opinion, however, is only based upon the cases as decided to the present date, and your Committee takes no responsibility for predicting the possible future shifts of opinion in the Federal Supreme Court.

The quotes below are taken from the Compendium on Legislative Apportionment issued by the National Municipal League, Second Edition, January, 1962:

From the Introduction, as to the present Oregon Constitution:
"1. Only six states have apportioned both houses of the state legislature so that it requires 40 per cent or more of the population to elect a majority of the legislators."

From that portion of the report relating to Oregon:
   b. Population of largest Senate district—69,642; smallest—29,917."

d. Minimum per cent of 1960 population necessary to elect a majority of the Senate—47.8%; Lower House—48.1%.”

The data in the above mentioned Compendium were written for the National Municipal League by Waldo Schumacher, Bureau of Municipal Research and Service, University of Oregon, Eugene, and the Statistical data were provided by David J. Saari, Research Assistant, Bureau of Municipal Research and Service, University of Oregon, Eugene. The foregoing authority therefore ranks Oregon under its present Constitution as one of “only six states” referred to in the opening quote.

In Appendix II will be found a table showing county population figures and ratios and a second table showing the differences between the apportionment made by Secretary Appling under the 1961 Supreme Court interpretation of the 1952 Amendment and the apportionment which Measure No. 9 would substitute.

MAJORITY DISCUSSION

The majority of your Committee is satisfied from an examination of the literature on reapportionment throughout the United States, and from our experience in Oregon, that legislatures and legislators will not reapportion themselves to adjust representation to reflect changes in population unless they are compelled to do so. This is precisely why it was necessary for the people in Oregon to reapportion by the 1952 Initiative. Only in this manner did we secure compliance with the mandate of the Oregon Constitution which our Legislature had ignored in practice for nearly fifty years. Historically, the rural areas have clung to more representation than that to which they are entitled under state constitutions. For many years prior to 1952, legislators in a uniform pattern of brotherly concern, were unable to bring themselves to pull a legislative seat out from under a friend. Perhaps this is why so many legislators have given their blessing to Measure No. 9.

The temporary apportionment until 1971 provided by this measure differs only in relatively minor respects from the one presently in effect, and the enforcement provisions are likewise similar. The major changes proposed are those which would freeze in the Constitution one representative for each of thirty counties and districts. The measure then provides that the disparity of population per representative from one county or district to another shall not exceed four-to-one, and if it does, then one representative shall be added to the under-represented county or district.

The problem—and the vice—in this proposal lies in the fact that if any one of these frozen counties or districts on the lower end of the four-to-one scale, such as the Grant-Wheeler district or the Sherman-Gilliam-Morrow district, each with 10,000-odd inhabitants, continues to lose population, the ratio in one decade may be increased above four-to-one in many instances. A strict interpretation of the four-to-one clause would require the number of House seats to be increased by no more than one per county or district. This we understand, was the intent of the drafters. A liberal interpretation of that clause would require the number of seats to be increased until the disparity of any district is reduced to four-to-one. Obviously the first interpretation would render meaningless the four-to-one limit to which the proponents attach great importance. The liberal interpretation would open the flood gate by adding legislative seats, possibly approximately ten at a time. This question would have to be resolved by the Oregon Supreme Court, but in either instance, the result cannot be a happy one.

In evaluating the possible increase in the size of the House, it must be borne in mind that several of the frozen districts in Eastern Oregon have suffered an absolute loss in population during the past forty years—a trend which was accentuated from 1950 to 1960. At the same time many of the counties in Western Oregon have increased from two to five times during the same period. Using conservative projected population estimates under the liberal interpretation of the four-to-one clause, the size of the House may easily go to 100 representatives in the next forty years. Put another way, assuming only one of the 10,000 population frozen districts has a 25 per cent population decline, when our population grows another one million, the House will reach approximately 95 seats. At two million it will reach approximately 165 seats.

Under the strict interpretation of the four-to-one clause, the disparity between such districts as Sherman-Gilliam-Morrow and more populous Western Oregon coun-
ties will certainly reach six-to-one and may go to twelve-to-one. Statements to the
effect that the disparity cannot rise above four-to-one can be true only if the Supreme
Court reaches a result not intended by the sponsors and if the House is increased by
nearly 50 per cent in size and keeps on rising.

Consequently, the measure presents two unpalatable possibilities dependent upon
a court challenge in 1972: Either a gross disproportion of population per representa-
tive between some of the frozen districts and some of the more populous counties;
or a greatly enlarged House of Representatives which no one in this state, much less
the majority of your Committee, is prepared to recommend.

The majority has examined the recent Federal Supreme Court case and subse-
quent lower Federal Court decisions questioning the apportionments existing in many
states. Based upon these decisions, while we agree there is no present likelihood that
the proposed method could be successfully challenged as violation of the Federal Con-
stitution under the liberal interpretation, it may well be open to challenge in the
event of strict interpretation of the four-to-one provision hypothesized above.

But perhaps the most fundamental question raised by this proposed amendment
is its purpose. Baldly stated, the purpose is to give increased representation, more
than that to which population entitles them, to certain areas of this state which are
largely rural and with static or dwindling population and to freeze this disproportion
into the Constitution.

It has not been shown to the majority of your Committee that such voters possess
any special quality which entitle them to a greater voice in government. They have
not been shown to be more virtuous, more industrious, more educated, or more intelli-
gent than their fellow citizens residing in other parts of this state.

The argument which they advance, that they need more seats so that a represen-
tative can communicate with his constituents in the vast spaces of Eastern Oregon,
neglects the historical fact that Eastern Oregon was once one county with one represen-
tative—and the present fact that communications today are far better than only a
few years ago. A representative can reach any part of any legislative district in
Oregon today in far less time than he could get from one side of Washington County
to the other fifty years ago.

The argument which urges that the word “representation” is more important
than the word “equal” reminds us of George Orwell’s animal farm in which the
battle cry was:

“All animals are equal but some animals
are more equal than others.”

CONCLUSIONS OF THE MAJORITY

For these reasons the majority of your Committee has reached the following
conclusions:

(1) Since “government is instituted among men” and the legislatures govern
people and not things, representation should be based upon population, subject only
to such minor deviations as are necessary to apply the principle to actual situations.

(2) The present constitutional provision for legislative apportionment, while
it is not perfect, has given Oregon a reasonably just and fair apportionment of
senators and representatives based on population. It has been applied in practice
by Act of the Legislature which reapportioned senators and representatives pursuant
to the census of 1960, corrected by the Secretary of State pursuant to directions
given by the Supreme Court on review proceedings, and has been found to be
workable.

(3) The proposed amendment has some meritorious provisions. It would make
it possible for the Legislature to give the Senate and the House odd-numbered mem-
berships so that deadlocks in voting would be avoided. It would make it mandatory
that representation based on major fractions be assigned to the most under-represented
districts. And it would provide an allocation of senators and representatives during
the remainder of this decade which would not be grossly disproportionate to popu-
lation.

(4) Nevertheless, because the proposed constitutional change is intended to
control future legislative apportionment for an indefinite period, we are of the opinion
that the amendment should not be adopted. It would inject into the reapportionment
process a rigidity which would make it extraordinarily difficult to adapt representation
to changes in population.
It is fundamentally unsound to create and bury in the Constitution 30 representative districts which could only be altered by further constitutional amendment. Probable trends of population growth indicate that the 30 permanent districts would almost certainly result in undesirable disproportion of representation in the House.

The device inserted for the purpose of supposedly checking future distortions by providing that any district that has a population per representative more than four times as large as that of the district having the smallest population per representative "is entitled to one additional representative," is, in our opinion, an entirely unsatisfactory regulator. There is a real and bitter ambiguity as to whether under this provision only one additional representative may be allocated irrespective of the size of the disparity, or whether a succession of representatives may be allotted until the disparity in every district is reduced to the four-to-one ratio. Under the first construction, the one additional representative would do little to relieve the distortion, and under the second, the membership of the House might be expanded by many seats in a manner hardly imagined by the proponents or anyone else.

MAJORITY RECOMMENDATION

The following members, representing the majority of your Committee, recommend that the City Club go on record as opposing Initiative Measure No. 9 and that the vote be "no" thereon.

Respectfully submitted,
Verne Dusenbery
Malcolm Gilbert
Philip Hammond, Chairman
for the Majority

MINORITY DISCUSSION

The minority concurs in the General Discussion above. Certain points, which carry somewhat more weight with us than with the Committee as a whole, have led us to approve the measure. These are:

1. It will prevent the adjustment of districts to favor one party or population group over another. For example, under the 1952 Amendment, either the Legislature or the Secretary of State could have varied the number of Senators from districts in which Republican registration predominates from two or less to eight, or the number of Senators from West of the Cascades from 19 to 28. This looseness results from the Oregon Supreme Court's rejection of major fractions as a determinant. Measure No. 9 eliminates this looseness to such a point that, no matter what the politics or morals of the apportioners might be, they will be forced to an essentially fair result.

2. We consider that representation is the more important word in the phrase "equal representation." For example, in this next general election, 16 of the 19 legislative candidates from Lane County are from Eugene—population 50,000. It is therefore certain that the remaining 112,000 people in Lane County will have at most one out of Lane's nine legislators to speak for them. The same situation was true in Multnomah County before subdistricting. The same situation is true whenever a county with a small population is combined with others of a much greater population in a legislative district—the legislators will ordinarily come from, live in, and campaign in the populous county. Secretary Appling's plan under which we now live makes a number of combinations of this kind. The fixed representative districts provided for in Measure No. 9 prevent this kind of discrimination as, except where geography prevents, the counties combined are of comparable population and have a community of interest otherwise.

3. If the people in every area of the state have at least one legislator from their area who may be presumed to know their problems, then the advantage mentioned by former Senator Wilhelm will be obtained, that all legislation will be adequately screened, with beneficial results to the entire state.

4. It is clear to us that the proposed apportionment formula is not unfair to the populous counties. It was demonstrated to the Committee that the same five counties (Multnomah, Clackamas, Marion, Lane and Washington) if their delegations were united, could control the Legislature under Secretary Appling's apportionment and under Measure No. 9. From this it follows, contrary to arguments of the oppon-
ents based upon the National Municipal League's 1962 Compendium, that Oregon would remain one of the top two or three states in the country in terms of the proportion of the population required to elect a majority of the Legislature, with figures within two percentage points of those given in the Compendium.

Another point which indicates to us the essential fairness of the proposed measure is that 20 of the 29 Senators now in office have publicly approved it, including 12 Democrats and 8 Republicans, and including every Senator of the 29 now living in the state excepting four of Multnomah county's seven, and the delegations from Clackamas and Lane Counties, and the one Senator representing Coos and Curry counties. The Committee sponsoring the measure includes many respected and well-known members of the Legislature and of both parties from all parts of the state, including Multnomah County.

5. The measure is challenged on the ground that it yields a numerically less perfect result than other schemes. Both proponents and opponents admit that numerical equality can be obtained only by throwing all counties into a single elective district, a course which no one recommends. Lane County's situation this fall illustrates well the vice of a solely numerical approach. The City of Eugene will have one legislator residing within its limits for each 6,250 of its 50,000 population, a disparity of one to nearly eighteen. We believe that fairness of representation involves more than arithmetic on paper; it requires at least that all of this state's people have some voice in the making of our laws.

6. The measure is challenged as complex. On the contrary, although lengthy, it is quite easy to apply, being set out step by step. In our opinion the length is justified by the certainty of the results.

7. The minority agrees that there may well be some expansion of the Lower House beyond the initial number of 65, if Section 6b of the proposed amendment is used to keep the House disparity within a ratio of 4:1. If in another generation the House grows too large, that generation can cut it down, and in our opinion, they will have been fairly represented until then. The only calculations (by Amsden) presented by opponents to the measure use a single decade as a projection base, they project, as an extreme, a possible increase to 72 after the 1981 reapportion. The proponents, using a 20-year projection base, foresee a possible increase to 69 after the 1981 reapportion. The minority is not alarmed by either of these figures.

CONCLUSION OF THE MINORITY

The minority of your Committee believes that the measure will secure to every part of the state a minimum representation in the Legislature; that it will do so without interfering with urban domination of the Legislature; and that the results will be a fairer representation of all of the people in the state and better legislation for the entire state. Your Committee minority also believes that the measure will eliminate any reasonable possibility of gerrymandering and will give a highly desirable degree of certainty in the application of apportionment formula.

MINORITY RECOMMENDATION

Your Committee minority recommends that the City Club approve Measure No. 9, and recommends a "yes" vote upon this measure.

Respectfully submitted,

Harry Denecke
William D. Campbell
for the Minority

Approved October 2, 1962 by the Research Board for transmittal to the Board of Governors.

Received by the Board of Governors October 8, 1962 and ordered printed and submitted to the membership for discussion and action.
APPENDIX I

Text of Apportionment Provisions of Measure No. 9

Be it Enacted by the People of the State of Oregon.

Sections 2 and 6, Article IV of the Constitution of the State of Oregon, are repealed; and the Constitution of the State of Oregon is amended by creating new sections to be added to and made a part of Article IV of the Constitution and to read:

Section 6. The Senate shall consist of at least 30 Senators, but the Legislative Assembly by law may fix the number of Senators at more than 30 but not more than 35. The number of Senators shall be fixed and apportioned by law among senatorial districts by the Legislative Assembly at the regular session next following the year in which the final population figures for counties in this state resulting from a federal decennial census become available, as follows:

(1) Step 1. Divide the total population of the state by 30 (the minimum number of Senators provided by this section). The result is the Senator population unit.

(2) Step 2. Divide the population of each county by the Senator population unit. If the result is one or more whole numbers, the county is a senatorial district and is entitled to one Senator for each whole number. However, a county having a population equal to or more than a Senator population unit may be combined with one contiguous county having a population less than one-half of a Senator population unit to form a senatorial district if such combination is desirable for reasons of geographic location, lines of communication and community of interest, and such senatorial district is entitled to one Senator for each whole number resulting from division of the population of the senatorial district by the Senator population unit.

(3) Step 3. Of the number of Senators remaining to be apportioned after apportionment under Step 2, one shall be apportioned to each Senatorial district among senatorial districts consisting of one county having a population less than a Senator population unit but more than one-half of a Senator population unit, and among senatorial districts having a population more than one-half of a Senator population unit and consisting of two or more contiguous counties each having a population less than a Senator population unit.

(4) Step 4. Divide the population of each senatorial district by the Senator population unit. If the result is one or more whole numbers plus a fraction of more than one-half, the senatorial district is entitled to one additional senator; but if the number of senatorial districts entitled to one additional senator under this Step 4 is more than the number of Senators remaining to be apportioned after apportionment under Step 3, preference shall be given to the senatorial districts having the largest population per Senator apportioned to such senatorial districts under Steps 2 and 3. If a senatorial district consisting of two counties combined under Step 2 is entitled under this Step 4 to an additional Senator, the county having a population equal to or more than a Senator population unit shall be a separate Senatorial district entitled to the number of Senators apportioned to the senatorial district consisting of two counties under Step 2, and the senatorial district consisting of two counties shall be a separate senatorial district entitled only to the additional Senator apportioned under this Step 4.

Section 6a. Except as provided in section 6b of this Article, the House of Representatives shall consist of 65 Representatives. The minimum number of Representatives fixed by this section shall be apportioned by law among the representative districts by the Legislative Assembly at the regular session next following the year in which the final population figures for counties in this state resulting from a federal decennial census become available, as follows:

(1) Step 1. There are 30 representative districts. Each representative district is entitled to one Representative. The representative districts and the county or counties constituting each district are as follows:

<table>
<thead>
<tr>
<th>DISTRICTS</th>
<th>COUNTIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>Clatsop</td>
</tr>
<tr>
<td>2nd</td>
<td>Columbia</td>
</tr>
<tr>
<td>3rd</td>
<td>Tillamook</td>
</tr>
</tbody>
</table>
(2) Step 2. Divide the total population of the state by 65 (the minimum number of Representatives fixed by this section). The result is the district population unit.

(3) Step 3. Subtract the district population unit from the population of each representative district. The result, if any, is the district surplus population.

(4) Step 4. Add the district surplus population and divide the total by 35 (the minimum number of Representatives remaining to be apportioned after apportionment under Step 1). The result is the Representative population unit.

(5) Step 5. Divide the district surplus population of each representative district by the Representative population unit. A representative district is entitled to one additional Representative for each whole number resulting from such division.

(6) Step 6. Of the minimum number of Representatives remaining to be apportioned after apportionment under Step 5, one shall be apportioned to the representative district having the largest fraction of a whole number resulting from the division under Step 5, one to the representative district having the second largest fraction of a whole number resulting from the division under Step 5, and so on until the number of Representatives remaining to be apportioned is exhausted.

Section 6b. Any representative district established by section 6a of this Article is entitled to one additional Representative if the district has a population per Representative apportioned to it under an apportionment of Representatives more than four times as large as the population per Representative of the representative district having the smallest population per representative under the apportionment. An apportionment of Representatives shall include any additional apportionment under this section. Representatives apportioned under this section are in addition to the minimum number of Representatives fixed by section 6a of this Article.

Section 6c. (Text omitted; provides for Supreme Court review of Legislature's apportionment.)

Section 6d. (Text omitted; provides for apportionment by Secretary of State if Legislature does not act, and for Supreme Court review)

Section 6e. (Text omitted; prescribes apportionment of Senators and Representatives for period from 1964 to effective date of apportionment following 1970 census)

Section 6f. (Text omitted; prescribes effective dates.)
## APPENDIX II

### TABLE 1. — County Populations and Ratios, 1960 Census

<table>
<thead>
<tr>
<th>County</th>
<th>County Population</th>
<th>Ratio</th>
<th>Present District No.</th>
<th>District No. Under No. 9</th>
<th>Ratio</th>
<th>Present District No.</th>
<th>District No. Under No. 9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baker</td>
<td>17,295</td>
<td>.293</td>
<td>16</td>
<td>21</td>
<td>.587</td>
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<td>25</td>
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<tr>
<td>Benton</td>
<td>39,165</td>
<td>.664</td>
<td>10</td>
<td>13</td>
<td>1.329</td>
<td>10, 14</td>
<td>10</td>
</tr>
<tr>
<td>Clackamas</td>
<td>113,088</td>
<td>1.917</td>
<td>11</td>
<td>11</td>
<td>3.835</td>
<td>7</td>
<td>7</td>
</tr>
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TOTAL 1,768,687

Note on Source of Figures:
County populations and ratios are those given at page 505 of Volume 228 Oregon Supreme Court Reports; the figures in the column "Present District Numbers" are the district numbers to which the counties are assigned in the reapportionment filed by Secretary Appling as given in the footnote on pages 579 and 580 of the same volume of those Reports. The district numbers for Ballot Measure No. 9 are those given in Section 6e of the text of Measure No. 9 furnished by the City Club staff for the Committee's use.

### TABLE 2 — Comparison of 1964 - 71 Apportionment Proposed by Measure No. 9 with Present Apportionment

#### A. Counties with no Change in Representation.

The following counties have the representatives and senators here shown under both the present plan and the 1964-71 apportionment under Measure No. 9. Where these tables show, for example, 2/5, this is not a true fraction but merely a short way of writing, "this county is one of five counties sharing in the election of two legislators." The letter "d" following a county name indicates that it is combined in a different way under Measure No. 9 than under the present plan, although the number of counties is the same.
### Counties with Different Representation.

The representation assigned by the two plans to the following counties differs as indicated. In a few cases a county is in both a single district by itself and a joint district with another county, and these are shown separately opposite the name of such counties. In every case excepting the increase in Multnomah County's Senators, the change in representation was accompanied by a change in the county or counties combined into the representative or senatorial district.

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<th>COUNTY</th>
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<th>REPRESENTATIVES</th>
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<td>1/3</td>
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<tr>
<td>Benton</td>
<td>1/2</td>
<td>(1)</td>
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<tr>
<td>Crook</td>
<td>1/4</td>
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</tr>
<tr>
<td>Deschutes</td>
<td>1/4</td>
<td>1/2</td>
</tr>
<tr>
<td>Grant</td>
<td>1/4</td>
<td>1/3</td>
</tr>
<tr>
<td>Harney</td>
<td>1/4</td>
<td>1/3</td>
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<tr>
<td>Hood River</td>
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<td>Lake</td>
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<td>Malheur</td>
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<tr>
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<tbody>
<tr>
<td>Baker</td>
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**Note on Source of Figures:**

The above compilations of differences and similarities in representation by counties was made by using the apportionment of senators and representatives now in force as given in the footnote at pages 579 and 580 of Volume 228 Oregon Supreme Court Reports, and the apportionment of senators and representatives set out in Section 6e of the text of Measure No. 9 furnished by the City Club staff for the Committee's use.
REPORT
ON
SPECIAL CITY TAX LEVY FOR CIVIL DEFENSE
AND DISASTER RELIEF
(Municipal Measure No. 51)

Ballot Title: An Act amending city charter to provide a special tax levy of $75,000
for each of five successive years beginning with the fiscal year 1963-64
to be placed in a special fund for Disaster Relief and Civil Defense.

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

ASSIGNMENT

Your Committee was appointed to study and report on the proposed amendment
to the charter of the City of Portland which would authorize a special tax levy of
$75,000 for each of the next five years.

"... for the purposes of obtaining property, emergency supplies, equip-
ment and facilities and/or matching any other funds which may be made
available for the purpose of organization or equipment and/or other
supplies for disaster relief and/or civil defense including but not limited
to communications equipment, warning devices, field equipment, medical,
first aid equipment, fire equipment and rescue and warning equipment, for
the construction of other facilities and acquisition of other equipment and
supplies for disaster relief and/or civil defense purposes, for preservation
of essential city records, for installation and maintenance of equipment,
for employment of personnel and payment of salaries, and for other
preparation for possible disaster relief and/or civil defense needs or for
purchase, installation, construction or other expenditure for such purposes
for preparation at the sole expense of the City which best meet the needs
and requirements of the people."

SOURCES OF INFORMATION

Your Committee spent several hours at the Portland Emergency Operations
Center where the operation and equipment were explained by Jack Lowe, Director
of Disaster Relief and Civil Defense for the City of Portland. Mr. Lowe furnished
a memorandum outlining the purposes for which the special tax was needed and
a statement as to how the funds to be raised by the Special Levy would be utilized.
Mr. Lowe also furnished figures showing receipts and expenditures of the Disaster
Relief and Civil Defense fund and the contributions to the program from the
General Fund of the City. The Committee subsequently met with Mayor Schrunk
who discussed the necessity of the proposed special tax levy, and with Commissioner
Stanley Earl, who has been a consistent opponent of the present program of Civil
Defense. The Committee studied material on the local, state and national civil
defense programs, without making any effort to evaluate the overall concept of civil
defense in general. Rather, the Committee confined its study to the expenditure in
question. Although there exists a difference of opinion within the Committee as to certain proposed items of expenditure, such as the relative merits of such programs as evacuation and community shelters, the Committee's judgment is based upon the levy in question as a whole.

THE MEASURE

If approved at the general election on November 6, 1962, the measure will authorize the City to collect from the taxes outside the six per cent limitation, $75,000 per year for five years, to be disbursed from a special fund for the purposes outlined in the foregoing excerpt from the proposed charter amendment. Mr. Lowe has given the following tentative utilization of this annual levy.

Fifty thousand dollars of the proposed annual levy would be used in lieu of the funds now taken from the General Fund of the City to continue present activities. This, with matching Federal funds, provides for the salaries of the present staff of twelve persons, who are:

1 Director
1 Rescue Training Officer
1 Warden (Shelter) Coordinator
1 Accountant
1 Stenographer
2 Assistant Directors
1 Police Services Coordinator
1 Radio Technician
1 Operations Center Maintenance Man
2 Typist-Clerks

It also includes funds for operations and maintenance of the Operations Center, the Training Center, the siren warning system, and civil defense radio communications (12 base stations and 68 mobile or utility units). Also funds for office supplies, telephones, water, lights, etc.

The special levy will provide an additional $25,000 over and above that required to maintain our present program. Although actual allocation will be determined by the City Council, the Director has recommended that this money will be used as follows (amounts shown are exclusive of Federal matching funds):

- a. One additional Staff Officer for full-time assignment as Shelter Coordinator ........................................... $3,500.00
- b. Pamphlets for public information and education on specifics of Civil Defense in Portland ........................................... 1,000.00
- c. Water well for independent supply for Operations Center (prorated) ........................................... 2,000.00
- d. Additional equipment to complete CONFELRAD programming facilities (prorated) ........................................... 500.00
- e. Expand Green Light traffic control system for evacuation ........................................... 750.00
- f. Install one additional warning siren (prorated) ........................................... 2,000.00
- g. Re-establish City records preservation program (not matched with Federal funds) ........................................... 7,500.00
- h. 1 Light-duty reserve truck per year ........................................... 3,500.00
- i. 1 First-aid station per year ........................................... 2,000.00
- j. Contingency and unforeseen ........................................... 2,250.00

TOTAL $25,000.00
This special levy will add an assessment of about 0.1 mill to the current property tax levy of 72.6 mills. This increase is about 14¢ per one hundred dollars of property taxes paid in Portland or about 50¢ per year to the average homeowner. The levy will assure continuation of the present minimum civil defense program plus some expansion of activity in a limited number of important areas. One of these programs is the public shelter program. The total levy for five years will be $375,000. The question to be decided by the voters of Portland is whether it is worth about 50¢ per family per year to maintain and strengthen the city's disaster relief and civil defense capability.

HISTORY

Prior to the election of November 8, 1960, a Committee of this Club* made a study of a similar special tax levy to raise $125,000 per year for five years. That committee recommended approval of the special city tax levy for Civil Defense and Disaster Relief. At the election held on November 8, 1960, the measure was defeated although about 46 per cent of the votes cast favored the measure. Special levies for recreation and parks received a favorable vote of 35 per cent; grade separation, 32 per cent; traffic signals, 36 per cent; and the Zoo, 32 per cent. This would indicate that as far as special levies were concerned, civil defense was comparatively popular.

At the general election on November 4, 1952, a charter amendment was approved authorizing a one-mill tax levy in the amount of $600,000 for the fiscal year 1953-54 for disaster relief and civil defense. The general purposes of this special tax levy were the same as now proposed. In the seven years from July 1, 1953, through June 30, 1960, receipts for this purpose were as follows: from the special levy, $303,427.73; from interest, $8,450; from Federal and State matching funds, $155,651.77; and from other sources, $28,346.88. These amounts totaled $795,876.38, of which $448,335.33 was expended for buildings (principally the present Emergency Operations Center on S.E. 103rd Ave.), $752.11 for land, $126,686.94 for equipment, and $192,140.69 for operation and maintenance.

The budget for the year 1962-63 for civil defense is $100,400 of which $47,537 is appropriated from the General Fund, and the balance is received by way of Federal matching funds.

DISCUSSION

The charter amendment for a special tax levy of $125,000, voted on at the November 8, 1960 election, was placed upon the general election ballot by the City Council because all other funds obtained by special tax levy would be exhausted during the year 1960-61, and the City Council had determined that the City could not continue to support this program from the General Fund of the City due to lack of sufficient funds for essential services which the City must furnish. Upon the defeat of the special tax levy in 1960, the City reduced the appropriation from the General Fund for civil defense from $65,667 in 1960-61 to $47,537. This has resulted in a reduction of staff and allows only equipment and supplies required for minimum maintenance of existing facilities. The proposed special tax levy, if approved, will insure continuation of the present local Civil Defense and Disaster Relief program on a somewhat enlarged level for at least five years. The Mayor indicated that the proceeds of the five-year tax levy would not necessarily be limited to support for that period but would be stretched to cover such further time as the amount obtained by special levy would allow.

In your Committee's opinion, the insurance feature represented by the Disaster Relief aspect of the proposed program is sufficiently important to alone justify the nominal tax increase of some fifty cents per family per year. The filmed copies of City records, the training program, and the communications center facilities in the Portland Emergency Operations Center would be invaluable in the event of destruction of the City Hall by fire, or a major destruction of large portions of the City by conflagration, earthquake, explosion, or other natural disaster. Your Committee has not had sufficient time to study the role of Civil Defense in the recent windstorm disaster.

In any discussion of civil defense, opponents will point out that, with the missiles now in the possession of potential attackers, it may not be possible to have more than a 20-minute warning, and that anything the City can do with such funds as are contemplated may be futile. It also must be recognized that there exists considerable conflict among national experts as to the type of program which should be adopted. In fact, an argument advanced by one of the principal local opponents to a Civil defense program of any kind is that the answer to nuclear attack is "peace". However, your Committee did not consider any of these arguments as an excuse for sitting by doing absolutely nothing—even though what is being done may not be completely effective, or, for that matter, the best program to be adopted. These factors your Committee did not consider itself qualified to evaluate. The fact that something is being done and that it might prove to help in the event of nuclear attack or natural disaster was the overriding consideration of the Committee.

Obviously if a large nuclear bomb is exploded over any part of the City of Portland, the entire city will be disintegrated, together with our civil defense installations. However, if such a bomb is exploded at such a distance that the City remains substantially intact, there are dangers from fall out and radiation from which the inhabitants of Portland may be protected to an extent by civil defense installations and services. Nowhere in the civil defense program is any effort being made to minimize the great danger from atomic weapons, and the Committee does not feel that the civil defense program in Portland intends to or has in fact deceived the people. In the event of nuclear attack, if the City itself is not destroyed, the civil defense installations and services may result in the saving of many lives and the amelioration of much suffering. If the expenditure of these funds should result in the saving of lives, the relief of suffering and the restoration of order out of chaos, the money to be obtained by this special levy would be well spent. The funds that can be used for Civil Defense and Disaster Relief are obviously limited, but the Committee feels that sufficient funds should be available to maintain a nucleus of a civil defense organization.

Civil defense must be considered as an integral part of the national defense program. President Kennedy, describing "Urgent National Needs" in an address before the Congress, emphasized that the military strength of the U.S. and the Free World served as a powerful deterrent to enemy attack. Then he stated:

"... but this deterrent concept assumes rational calculations by rational men. And the history of this planet is sufficient to remind us of the possibilities of an irrational attack, a miscalculation, an accidental war, which cannot be either foreseen or deterred. The nature of modern warfare heightens these possibilities. It is on this basis that civil defense can readily be justified—as insurance for the civilian population in the event of such a miscalculation. It is insurance we trust will never be needed, but insurance which we would never forgive ourselves for foregoing in the event of catastrophe."

We also quote from an earlier speech by former President Eisenhower:

"There persists in many minds the image of civil defense as something apart from regular government, something which would spring into being to bear the vast responsibility of home defense and recovery in case of attack. This is a false image. The responsibilities for civil defense in this Nation rest squarely on regularly constituted government at local, State,
and Federal levels, and upon people. Our total defense is incomplete and meaningless without reliable and responsible home defense. Survival cannot be guaranteed merely with a capacity for reprisal. Equally important is our ability to recover. Along with our military defense, retaliatory forces, civil defense and defense mobilization are vital parts of the Nation's total defense—together they stand as a strong deterrent to war.”

General L. L. Lemnitzer, formerly Chairman of the U.S. Joint Chiefs of Staff, declared:

“A strong civil defense program which could not only minimize losses to our population in the event of an attack on the United States but also facilitate support of the military effort in the subsequent phases of general nuclear war is, to my mind, an important element of our over-all deterrent.”

Also, an extract from an address by Steuart Pittman, Assistant Secretary of Defense for Civil Defense, speaking to the U.S. Conference of Mayors on May 14, 1962, stresses the role of civil defense against nuclear explosion hazard:

“The nuclear age has imposed new and challenging responsibilities on the heads of city and local governments. The President of the United States and the Secretary of Defense have concluded that a realistic civil defense program is essential, but that it must include reasonable measures of protection of the entire population against fallout radiation. To carry out this program in your cities, it will be necessary to establish an adequate priority for civil defense among your other urgent programs. Your overworked civil defense staff must be supported and built up to meet these new tasks.”

CONCLUSIONS

We find ourselves in general agreement with the conclusions submitted by the City Club Committee which reported on the special tax levy for Civil Defense and Disaster Relief on October 21, 1960. Our conclusions are:

1. In the present state of the world we must assume the possibility of an atomic bomb attack on this area.

2. If such an attack is made, the training program and plans for evacuation of the civil population and for providing emergency governmental facilities would be instrumental in saving lives and would make possible the survival of civil government.

3. The 1952 tax levy provided facilities and a wisely administered program which have received national commendation. The proposed tax levy would provide continuation of the present program on a somewhat augmented level for at least five more years.

4. The contribution of matching funds by Federal and State agencies, which funds will apparently continue at an increased level, is dependent on support of the program out of local tax funds.

5. The continuance of this program through funds provided by the city's taxpayers is required in order to protect the people of Portland from hazards of war or natural disaster, and their own apathy or, perhaps more accurately, frustration. Even if all dangers of war were eliminated, a need would still exist for such an organization to coordinate the various services during any disaster affecting this community on a large scale.

6. A strong local civil defense program would contribute to the total national defense and act as some deterrent to attack.

7. An improved public information program is essential to a strong local civil defense effort.
RECOMMENDATION

Your Committee recommends that the City Club go on record in favor of the special city tax levy for Civil Defense and Disaster Relief, and that it urge a vote of No. 51 "Yes".

Respectfully submitted,

Ralph Appleman
John C. Carlson
James D. Caufield
Dr. William Cate
Garry Bullard
Gunther F. Krause, Chairman

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