

VICTOR ATIYEH
July 24, 1993
Tape 49, Side 1

C.H.: This is an interview with Governor Victor Atiyeh at his office in downtown Portland, Oregon. The interviewer for the Oregon Historical Society is Clark Hansen. The date is July 24th 1993, and this is Tape 49, Side 1.

You know when I was listening to the radio and coming to work, I was thinking about the midwestern flood, the great Mississippi flood of 1993, and I was wondering whether you as governor had any natural disasters to contend with. Aside from the recession.

V.A.: Yeah. Well, very early on, as we already talked about, it was Mt. St. Helens blowing up and the ash later on, not initially, falling in the north part. No, I don't recall. There are always some little ones, you know what I'm talking about. Nothing like this major event. Really vexing and in some discussion for quite a long period of time was the flooding of Malheur Lake around Burns, and you know, what to do, dig a ditch, drain it, things like that, and some of the farmers were having problems. And we were worried about the rail line and Union Pacific and the life blood of the people in that area, economically.

It was interesting that after I left office the next major event in there was the drought in Malheur County, so I said to Bob Smith, Bob you better make up your mind what you guys are going to do over there, either get it flooded or get a drought. No, nothing like in a major sense like we had here. While I was gone one time, there was an earthquake and ^{Gerry} Jerry Thompson had to deal with the potential tsunami. [indiscernible] the fact to have people move

back from the beach. Fortunately there wasn't. But those are the things you kind of deal with.

In a smaller sense and one of the reliefs I felt, anything that happens you feel responsible for. Truck turns over, you gotta worry about it. A little flood here, a little flood there, you gotta worry about it. Drought, you gotta worry about it. Airplane crash, you gotta worry about it. Everything. And once I left office I say well, I don't have to worry about those anymore. Now I can read about them in the newspaper and say isn't that interesting. Previous to that time it went beyond interesting, you had to go do something about it.

We declared emergencies quite a few times, but we were very cautious about it, and I think I mentioned at the last visit that we wanted to make sure that my declaration of emergency was just one step you had to take in order to get yourself in line for some federal assistance which is usually, if anything, low cost loans. You had to go make a loan. And too many people thought you declare an emergency and all of sudden everything happens and you don't have to worry about it anymore, and that's not the case. So we did a number of times. We had forest fires. As a matter of fact, a few heavy duty ones, and I remember flying over the Wallowa area. Boy, I tell you, I sure have to admire the firefighters because I'm in the air and I could see it's bad news on the ground. So probably forest fire was a major element over the period of time we had to worry about.

C.H.: Going on to what we were talking about the last time. We were talking about bills that you had vetoed and you had mentioned that you'd vetoed 108 bills which was more than all your predecessors ...

V.A.: No, I fell short by four. If I'd known that I may have exceeded them.

C.H.: More than any other governor since Oswald West.

V.A.: Well, I think actually I vetoed more bills than Oz West. As a matter of fact I know I did. The only question is how many bills you veto in one session.

C.H.: Didn't you veto something like 40% of all the bills?

V.A.: Well, roughly I'd say a third. I think it's something like seventy and there was 200 bills that had passed. That was early of course 1900. I vetoed 42 in one session, which I thought was great. But then I found out about Oz West and his 70, so as I said the last time I call myself the modern-day record. I with some degree of pride was acknowledging I vetoed 42 bills to one of my friends up here and they said - Only 42? And you know it's also interesting that people get all upset about the number of bills that are introduced. What they really ought to worry about is not how many bills are introduced but how many bills pass. I mean that's what they ought to look at. Because pass becomes law, introduced doesn't do anything. I think we talked about that. You know, it's burdensome, it's costly, but I still think having what I call an open legislature's a good idea. No rules committee, all that sort of thing. That gives us an opportunity, we've got a problem we think is a problem then we have a chance to speak through our legislature.

C.H.: You exercised your first veto of the session for a measure that would have repealed the state law allowing police to enlist the help of bystanders in quelling a riot. The law most recently was invoked in Lynn County when police used bystanders by

including members of the media to remove environmental protesters who were blocking a logging road. Do you recall that?

V.A.: Yeah. Yeah.

C.H.: It seems like there would have been some constitutional problems there, but did that evolve into anything more than a momentary incident?

V.A.: I need to remember. In the back of my head I recall there some reason that - C&B was impeding the law enforcement from preventing some things from happening, that is, the bill itself would impeded what was going on at the present time. I really ought to get some of my own information when we start talking. I can't give you much more than that.

C.H.: There was another veto on a HB 2900 which required employers to pay on a piecework basis to pay the same wages to workers under 18 as they do those older. It was at the newspapers.

V.A.: Yeah, we talked about some like that earlier, and my concern was allowing young people to get a start in life and getting some business experience, and if you keep making it more difficult, all you really do is keep young people from being able to start a business career, to somehow get some experience to learn and in many cases earn money for their education.

C.H.: You also vetoed key portions of the bill bringing the Oregon state lottery commission's budget under legislative control stepping into disputed constitutional waters by doing something?

V.A.: Well, understand that the lottery bill wasn't in the constitution. It was not, I mean it wasn't passed law, it was a constitutional measure. The whole concept of legislative control of a constitutional body, as we talked about before, was just something I didn't think was appropriate.

C.H.: The action that you took at the time was a line item veto in which only part of the bill was turned down and you had cast your first line item veto in 1983 against a bill affecting the Public Employee Retirement Benefits. Thomas Clifford, the legislative counsel, said that in 1983 the speaker of the house and senate president ignored your line item veto and put the whole bill into Oregon law. But Clifford said the executive branch had ignored the disputed law leading to a court suit. You said he relied on the attorney general's opinion that the two lottery initiatives approved by voters in November made it unconstitutional for a legislature to control lottery expenditure.

V.A.: We talked about that line item veto.

C.H.: Did we? We've gone over this before?

V.A.: Well, you recall what I said that for a long time, my whole career, you could only line item veto budget bills. And I said that's not what the constitution says. As a matter of fact, according to a Supreme Court decision that is what it says, although if one were to read it I think any reasonable person would come up with the conclusion I did that I can veto as long as it had an emergency clause on it. And so we had not been turned down by the courts.

C.H.: Russell Saddler said that that represented a major shift in power relationships between the legislative and executive branches of government, that view of yours.

V.A.: Oh, well, Russell kind of overexaggerates. It was a shift, if it was upheld, that would mean that you'd have control over some substantive law, but I don't know of anything more substantive than budget because budget reflects programs. So you know I'm looking at the constitution reading as I say any reason-

able person would read and it said and any other law that has an emergency clause. It's so clear to me it's strange how the courts can decide something different. It's absolutely clear if you read the language. But the court said no.

C.H.: When the voters originally passed it, they passed it for fiscal matters, didn't they? In 1916?

V.A.: I'm not even sure that's clear. That's what of course they went back and looked at and what was the debate at the time. But even if that's the case you look at the wording. I'm dealing with a bill now which relates to economic development and I have not seen the bill but I've heard about it and it's talking about the commission which would be appointed by the governor, let's see, would become involved in the operation of the department. And to me if I were to read that, I've heard it, is that that means that the commission - these are citizens that are appointed to be commissioned, they come down from time to time for meetings - would actually deal with the operation of the department. Now that's not the job of a commission. It's the job of the director to deal with operation of it. And my understanding is that's not what the House intends. But that's not the point. I don't care the intent. What the law says is what it says. Incidentally I've had many discussions during my time as a legislator. You know, they say the intent of the bill is, you know, when they speak of it, and I say well now have you read it? I don't care what the intent says, this is what the bill says. Oh, that happened many, many times. And so you can't deal with intent, you have to deal with what the words say - except in the constitution where the courts decide what the words say is not what you think they say, they say something entirely different.

C.H.: Couldn't it be that they say different things to different people depending on what - ?

V.A.: Yeah, but it's still hard to believe. Matter of fact - Wait a minute, I want to read this piece of the constitution. Now here's what it says and this is Section 15A, which is the Executive Department, Article V. Here's what it says: Single item and emergency clause veto. That's the heading. Then it says "the governor shall have power to veto single items in appropriation bills". That's the first part. Then it says "and any provision in new bills declaring an emergency". Now that's pretty clear.

C.H.: Yeah. Yeah, it is. I know that part declaring an emergency is the key clause because that's where you ...

V.A.: That's right. That's right. If the bills declares an emergency then it says here and - you see, the point is first it said you can line item veto appropriation bills. Then it says and any provision in new bills declaring an emergency.

C.H.: Isn't part of the reason for that because if you declare an emergency on a bill it immediately goes into effect?

V.A.: That's right. Upon passage.

C.H.: Right.

V.A.: That's right. And then it finishes without thereby affecting any other provision of such bill. Well, you know, to me that's pretty clear. But the Supreme Court somehow interpreted that differently and so I have difficulty. Now I think if I read that up to 100 people on the street they would agree with me. I think I mentioned to you a long time ago, Saturday Evening Post had a thing called "You Be the Judge" and they had a little deal there, they'd say this is what happened and now what did the judge decide. And you know, I was 100% wrong?

C.H.: Now what does that say to you?

V.A.: But you know, that is so clear and Bob Oliver said Well, governor, no that's not what - But Bob, it says right here.

C.H.: What did he say? What was his concern?

V.A.: I've forgotten what he said, but he said it could be interpreted differently.

C.H.: But do you know why he said it was being interpreted differently if it was so clear?

V.A.: Well, you know, legal people, they think differently than I do. Anyway, it went to the courts and I do have the opinion here somewhere, I think it's a little convoluted, but they came down on the side of only appropriation bills, so -

C.H.: People said at the time, I guess Russell Saddler said at the time, that Atiyeh's vetoing of many bills "has led to a long list of lobbyists at the governor's door seeking to kill bills they could not kill in the House or Senate." Did that occur or not? Did you experience more people trying to get you to veto the bills?

V.A.: The answer is not to me, no. Now they may have gotten to my assistants. However, my assistants are more loyal to me than they are to any lobbyist and I'm perceptive enough I don't a lobbyist. Now at this of my life, twenty years in the legislature, now what, six, seven years as governor, you know, I don't really somebody to tell me about what bills are doing. And then I get these memos actually on all bills. I don't recall them coming to me. Maybe one or two. I don't recall that. Certainly not long lines. But they may have talked to my assistant to deal with the subjects. But I still say that the loyalty was more to me of my assistants, you know, they're not running for election or anything like that. And I said earlier, and I don't disagree, that I think

lobbyists are very valuable people because they can usually give you - you know, you have diverse views and you get both views and you know somewhere in there is the truth, at least the truth as you can see it. So lobbyists to me aren't evil people. But no, there are just some things that match up with my idea of what democracy and government's all about and some don't.

C.H.: I think we talked about it before, but there was the issue of the difficulty of overriding vetoes without calling a special session if you vetoed bills after the session adjourned.

V.A.: Yeah, but there's not much you can do about that. A whole lot of what the legislature does will happen in the last couple weeks and I had twenty days to deal with bills. And I had this big load. I mean, I'd stay - It would be early morning, late at night, and then of course the staff is working overtime, and there's not much you can do about it. They've gone home. Then that holds up the law. Now vetoing doesn't actually repeal it. It doesn't become repealed until the next time the legislative meets. They either don't deal with it or they don't actually try to override and don't make it. Then it's gone. But it lingers. And the constitution also says that they have to deal with vetoes at the next session. And it could be the next regular session or if I happen to call for some other reason - we don't them for vetoes - call a special session, then they have to deal with it at that time.

C.H.: There's another issue here that was interesting. It might have been in this same article, but it said the legislature began seriously invading executive branch prerogatives several years ago when it persuaded voters to amend the state constitution to require senate confirmation of executive appointments. Games

played to win confirmation by the senate have seriously injured Atiyeh's ability to run the executive branch with people of his choosing.

V.A.: I agree with that.

C.H.: That came up, didn't it, when you were trying to make your early appointments.

V.A.: That's right, and we talked about it and I said, you know, I finally said to the legislators - Now if my appointee has to meet your muster, which of course in this case was Democrat control of both House and Senate, whose appointee is it? Mine or yours? And I felt very strongly about it. But back to what I said even way back. I was a great defender of the legislative branch of government and a great defender of the executive branch of government. And this violated my thoughts in that respect. If they had said - which was as a matter of fact I don't recall it was the case at all, where they were dealing with some of my appointees - This person is not qualified. Then I can understand, you know, they say, look, this person is not qualified to do that job. But if they tell me I don't like him or I don't like his philosophy, that's something else again.

C.H.: Later on in September of 1985, Marion County Circuit Court Judge Val Sloper ruled that Atiyeh did not have the constitutional authority to line item veto a bill passed by the 1983 Oregon legislature involving retirement benefits for college and university faculty members. If upheld it would eliminate Atiyeh's line item veto of two bills passed by the 1985 legislature involving the state lottery and industrial revenue bonds. Was it upheld?

V.A.: No. It went to the Supreme Court and the Supreme Court agreed with Val Sloper that I can't do that.

C.H.: We already talked about the comparable worth bill.

V.A.: Yeah. Well back to that again momentarily. I'm not sure we fully explored that. First of all, I said there's no need to have a law because we're doing what you say we ought to be doing. There's no need for a law. And that's why I vetoed the bill. We were dealing it right there.

C.H.: Which bill was that?

V.A.: Comparable worth.

C.H.: Comparable worth. Oh. Okay.

V.A.: And so the whole point was that we were dealing with it. We had it set up, we were working with it, we didn't need them to tell me to do something I'm already doing. And they got if I recall correctly a little more detail than was necessary in advance of any decision that was going to take place. And so there was no need for it.

C.H.: During this whole period of time there was a tug of war which developed between you and the legislature over your airplane versus their showers? Did it actually come down to that?

V.A.: I'm not sure it was a trade-off. Incidentally, they got their showers.

C.H.: Did you get your airplane?

V.A.: No. That really was lack of courage. I said, look, I'm going to offer it up, I think it's important. And I do incidentally think it's very important. I think we may have covered that. Yeah, as matter of fact, I know we did. But the fact is that I was thinking as much in terms of my agency directors as I was in terms of myself. And then I wanted them to do what I called circuit ride. Get out. Go to the different offices we have around the state. And that I thought was good administration, good

operation of state government. And it was very difficult for them to do that particularly in the further reaches of the state. Hardly ever they would go because it would probably be a 3-day deal, one day to get there, one day to be there, and one day to come back. And with an airplane they could do maybe two or three cities in one day.

C.H.: So it would save a lot of money in the long run.

V.A.: Save a lot of money and would I think be good management of state government. And the other thing is that it was very difficult for a governor to leave to go to the further reaches of the state. You have a lot of what you call lost time if you're driving and with an airplane a governor could go repeatedly to all over the state, and it's important. Oregonians need to feel whether we're talking about Burns, Oregon or Gold Beach or ^{ELGIN} Eljon, they need to know they're part of Oregon. And it's hard for a governor to do this by automobile. What the legislature did is they put money in the budget for me to lease an airplane. Lease is not the right word. Charter an airplane. I'm going to go Burns and then I go to the Salem airport and we can charter a plane and fly there and fly back. (indiscernible) in the sense that you know, you think well, gosh, you're still going to spend money from the budget. At that time I had something specific in mind and I had finally arrived after traveling all these years at what kind of an airplane would be the right kind of an airplane for Oregon. And that airplane actually was an airplane in mind and I had one in mind that was at Medford Corporation and it was a King Air which is a twin-engine and it was all-weather, meaning it was pressurized, it had radar, and they were selling their plane. A whale of a buy, I mean, it would have been a lot, lot less than ...

C.H.: \$800,000?

V.A.: Yeah, this would have been more than half less than what that plane would have been. But they didn't have the courage, you know, to buy an airplane that seemed like it was rather wasteful and they never really captured the idea of what the value of that airplane was going to be. So I think I know I didn't mention it because we talked about it before. Somebody sent me a little toy wooden one and said this is the only airplane you're gonna get, which of course was true. But I recall at a national governors meeting, the governor of North Dakota was talking to the governor of South Dakota. I happened to be sitting in between. And he said, What kind of a plane do you have? And Pete was describing his airplane. I'm sitting. This is North and South Dakota. The state of Washington, they have at least three airplanes available to the governor. I'm sure California has probably a fleet. And here we are in Oregon without one of those things.

C.H.: You would think that the members of the legislature that come from the more isolated areas outside of the Willamette Valley, even the coast of Southern Oregon, Eastern Oregon, Central Oregon, that they would really favor that because they'd get more attention from the ...

V.A.: Yeah, but the strange thing is that they didn't. They were saying, Oh, the governor's wasting money. Obviously I only have a couple of years left in my term as a governor. So it's going to be beneficial to the new governor, whoever that might have been. But still, they didn't do it.

C.H.: And they still haven't.

V.A.: And they still haven't.

C.H.: But they did get their showers.

V.A.: They got their showers.

C.H.: You didn't veto that.

V.A.: No. No. If they want to stand the heat for that, that's okay with me.

C.H.: You also vetoed HB 2001 calling for the Oregon Investment Council gradually to sell off stocks and bonds in companies that failed to follow the expanded (indiscernible) principles. I believe we did talk about this in another section. A set of ethical guidelines aimed at improving conditions in South Africa for South African blacks. And you said my heart and reason were at terrible odds.

V.A.: Yeah, well, because I think apartheid's wrong. Well, I don't think, I believe, I know apartheid's wrong. But the point is you don't have a bad bill to solve a bad situation. It was the kind of bill that says that - Remember I talked about this is my savings account and this is not your money to deal with.

C.H.: You also had veto of SB 769 which would have authorized the secretary of state's office to do performance audits. It has traditionally had the authority to perform. Atiyeh said performance audits by the secretary of state would intrude in the governor's powers.

V.A.: That's right. Not just the governor's power. The governor is the administrator of state government and if the governor is running government wrong, then the governor should be replaced. It is not up to somebody else to decide if the governor is running government right - meaning another elected official. It's up to the people to make that decision, the voters, the voters that put the governor in to run the state of Oregon. That's what

the governor's supposed to do. And to get a secretary of state saying you shouldn't have done it this way, this is subjective. You see, there's no real, there's no precise method in determining are you doing it the right way or the most efficient way. It's a subjective thing. And so, you know, if it was very clear and it said you're going to this on Monday and that on Tuesday and that on Wednesday, and you didn't do it on Tuesday, well, okay, I can understand that. But that's not how it comes down. The secretary of state audits the financial records. Now that's a very precise thing. You're either spending it right or you're spending it wrong.

[End of Tape 49, Side 1]