Ted Kulongoski Interview on Governor Vic Atiyeh

Recorded Mar. 30, 2015 in Oregon
Interviewer: James Moore, Pacific University Professor

Note on the text: This transcript was made through AI in 2025 with some manual corrections. We recommend checking this text against the audio recording before quoting the speakers, as it may contain errors.

James Moore 0:00
I cut it up by whatever we talk about. I put it in my bibliography. If I need to transcribe things, I do, you know, that kind of stuff. So that's basically it. And, geez, you're about the 20th person I've talked to. So it's you know, kind of hitting Vic from all angles. I'm discovering things about his family life that even his family didn't know, just in terms of where people came from and stuff. And so his older brother is still alive, and so I have to go back for verifications. "So Ed, back in the 1920s..."

Ted Kulongoski 0:46
That's what he... okay. That is a good resource when you have the family, and actually want to tell the story of their family, and Vic is just a part of that.

James Moore 0:57
Exactly, and that's actually as Vic and I were talking about this project, that's what he envisioned, and it's the only condition under which I would write this book. It's what he envisioned in this book. It's going to be a Vic Atiyeh biography, but it's Vic in the context. So this is, this is a book about -- especially the 1970s and the 1980s -- Oregon politics as they're shifting. So, for instance, something that he was watching was a Republican Party was beginning to make the shift, so that he died a die hard Republican, but he wouldn't get elected as a Republican now. But also, you know, the shift that had started before he came in of moving towards really seriously, looking at international that he then accelerated, you know, all those kinds of things and so this book is going to be about that stuff. And then how did this guy, Vic Atiyeh, fit into it and hinder it, help it, you know, play a role in it.

Ted Kulongoski 1:58
As was family. If there's anything I have learned after 40 some years in politics, the public loves the narrative. Yeah. They want to know who you are and where you came from. Why do you hold these values and beliefs, and knowing the family and where they're from and building it. I've always believed that we all are what we were in the past, and our lifetime of experiences mold us into what we are? And I think that's absolutely true, and I think that's what the public's looking for, and I think that's what's missing in politics today, because it's an artificial narrative that people come up with. If you get back and look at it, it is what they want to know about you, just not your ideas. But how did you come by them? Why do you believe that?

James Moore 2:44
As I'm getting deeper into Vic's family, it was his father and his uncle who were the bootstraps guys. Vic and his brother just grew up. It wasn't privilege, but it was upper middle class.

Ted Kulongoski 2:59
Were they in the carpet business when they first came here?

James Moore 3:02
Yeah, his uncle, Aziz left the home village in 1885, came to the United States' East Coast, came back and got his brother George, who's Vic's dad, and George came over here when he was about 17. 1900, made it to Portland by the time he was 20 in 1903, and they started a carpet business, and they looked exactly here because they'd been doing import export in New York. And they looked around and said, "Where is there a market where there's not really any competition, where there's enough of a middle class that can afford our carpets?" And they just planted in Portland as a business opportunity.

Ted Kulongoski 3:46
You know what? I didn't know all the story about Vic, but I always had a sense that if you in the '40s could go to college like Vic did, [Moore interjects: And his brothers.] you weren't just average citizens, because it wasn't until after World War Two of the GI Bill that a lot of middle class people got the opportunity to go. So he was at that other end that allowed him to go to college. His brother, his family. And it was just something I take it the family did.

James Moore 4:17
Yeah, it was, you know, classic, first generation of immigrants, we want them to do that, but the total expectation, there was no expectation they would do anything else. And then they were free to come and work in the carpet business if they wanted, and all three of them ended up back there. The next generation, they went all sorts of directions. But yeah, pretty amazing. I just found the announcement of Vic's wedding in 1944. It's the head thing on the Oregonian Style section page with a big picture of Dolores. This is not just a little thing. This is a society thing.

Ted Kulongoski 4:55
Oh yeah, because at that time, people in Oregon and the Oregonian were probably putting that out there because people wanted to see that type of story.

James Moore 5:04
You bet.

Ted Kulongoski 5:04
High society. [He laughs]

James Moore 5:08
Well, I'm not sure it was high society, but it was society enough. So the first time I talked to Vic on tape, the first thing he wanted to talk to me about is his relationship with the Portland Business Community, which had always been fraught, and looking back, so I'm going to be doing exploring. Was his family, I mean, was carpet business seen as not true business? Some people suggested it's because they were Syrian, yeah. But whatever it is, there's this very interesting dynamic going on and that makes Vic who he is.

Ted Kulongoski 5:45
You know, my guess is that Syrians at that time were not probably experiencing much less than what Jews experienced in Oregon in this time, successful business people, but still trying to breach the traditional WASP business community... I imagine a challenge for him.

James Moore 6:04
Exactly, but it's just some neat stuff. So when did you first get to know Vic? You're elected in '74, you go into the Senate in '78. Did you run into him when you were in the house?

Ted Kulongoski 6:20
Oh, yeah. I remember Vic because of the fact that, at that time, the dominant... when I first got to the legislature, even though it was Tom McCall's last couple of years, and then it was Bob Straub, Vic came in '78 but the dominant political player in the Oregon legislature was Jason Boe. I mean, it was just, I've always said that ultimately the legislature should erect a statue out on Capitol grounds, because he'd done more for the institution. For a long time he did, and he was a very, very powerful person, and I got to know him, because... this is a little of the history, you can go fact check me on this... prior to 1973, the story you know, as well as I do, is that when Bob Smith was the Speaker of the House in '71, and the 18 year old vote came up, it also corresponded with the first decennial appropriation, because the one person, one vote, was passed in the mid-'60s, and are the ruling by the court. And so the first sentence, the first decade that you could do an actual reapportionment, redistricting race to [unintelligible] the '71 session is the 18 year old vote. And what I remembered was that in '73, the result of it all came down because we transferred the power of the state from the rural to the urban areas. And you started showing up with these people like Vera Katz, Earl Blumenauer, Rick Gustafson, [unintelligible] before it was all this urban legislator to descend, and it was just a change because the Republicans, and as you know, as well as I do, is that until, as I tell my students, until 1988 Oregon was not a blue state. [Moore interjects: No! No one believes that.] [Both laugh.] Yeah, people believe that this was just always this way. But it was very Republican, and in '73 with the one person, one vote, the census and 18 year old vote. I don't think the 18 year old vote has much to do it, but that was the creation of Earl Blumenauer, and the fact is, it changed the Oregon political process and where it was business Republican, all of a sudden, the Democrats are in control of the House, and they're in control of the Senate in '73, and I came in the year after that, in '74. Now, I got to know Vic in '73 because, an interesting story, I'm a lawyer, and I was Eugene. I lived in Junction City, and about in February of '73 I got a call from the then Speaker of the House, Dick Iman, and he asked me if I would be willing to come to Salem, very blunt, he won. He said, "We're having a problem because all the public sector unions want to have a collective bargaining bill. Tom McCall had a task force. It's not going anyplace. Would you be willing to come up here and work with me?" And I did, and came up there, and I got to know Vic during that process, because this was a big issue at that time. But what was more interesting was this was almost like the floodgates had been lifted for the Democrats, and there was so much legislation they wanted and they were trying to get through. And if you remember, it was the demise of Dick Hyman, because he only was Speaker one year, and they lost the election. I mean, one term and then he lost the election the next time to a guy named Bill Rogers from Springfield, very, very conservative guy, but a wonderful human being. But I got to know Vic in that '73 session, because this was a very, very partisan issue, collective bargaining and all this other social legislation was coming. And Vic actually, what I remembered, he didn't vote for the collective bargaining bill, but he was always interested in seeing if there was anything that... there was an accommodation, a middle ground, that we could actually make everybody happy. And as you know, that's one of those issues that sometimes you just have to make a call, and in the business community, even at that time had a different view of this, and it was actually the changing of education and of government in Oregon once the public sector unionized. They now, as you know, are the dominant piece in the IFR as the union movement, and so Vic, that's when I got to know him when I got elected, because I was on a couple conference committees, and he was on one, and I think Wally Carson was the other person that was there, and we just went across... and I think that, if I remember correctly, the conference committee didn't come up with a solution, because it was more of a house Senate thing than it was a Republican, Democrat, and the house didn't like Jason [Boe], because he was always running against... and Phil Lang was the speaker, and it was just an interesting time. But I got to know him then, I got to know him when I came in and went to the Senate; he was there. But you know what, if I had to tell you, more than anything, what I remember about him is that he would always go [unintelligible]. He always hit the floor, you know...

James Moore 11:58
...except he always wore short sleeves.

Ted Kulongoski 12:00
Yes, yes, he did. But when he had his jacket, he'd always button it, you know? [Both laugh.] Most of us keep it open. It's because of our girth, or whatever it is. Anyway, Vic was, I always remember he just looked like a grandfather, if anything, and this was the time when Bob Smith was in the Senate, and L.B. Day, and the Republicans were a

formidable force. George Wingard from Eugene, they didn't have the majority, but a lot of it and directly they did, because they had Debbs Potts there, and they had Jack Ripper, and we always had to deal with them to get the votes. But the Democrats on the other side had George Wingard, who was from Eugene, it was always a [unintelligible] vote. And there was one other that we could fairly well rely upon to come across, depending on the issue. But at that time, Vic, it was this change in the power structure, and Vic always was the gentleman. He was just a good political player, understood it. I remember he spoke too much. I used to tease him about that.

James Moore 12:00
Paul Phillips talks about meeting him for the first time when he interned for him. He walked in the office and couldn't even see the man.

Ted Kulongoski 12:44
He always had a cigarette. And, you know, can I go back to, say, '73 which you have to realize, this was before the public meetings law, this was before the public records law, and this was a time when the committees would meet at somebody's house, for pizza and talk about legislation, and the public had no idea what was going on. And everybody was doing this because I was on the committee staff, and I was doing it because they wanted to have meetings at night, and it would be the committee, and they'd all show up with beer and everything. It was '73, it was before the bottle bill, and I remember the [he laughs] people, they forget the... Widmer and the other brewery up here at that time, would just have, on Mondays, they would pull up in front of the Capitol and start unloading the beer, and everybody had a refrigerator. They didn't have the wings at that time. Yeah, it was that old thing. But I don't think Vic ever did that, tell you the truth, because it was guys, I don't know if you know him, like Dick Groener and people like that. It was a different climate, and after '73, when we came in with all of the changes to public meetings, public records, everything, the legislature started to shift. And if you remember history is that Dick Groener, actually, some legislators got caught because they couldn't accommodate what they had grown up and they were older, and Dick was one, and it just times had changed, and he wanted to do it the way he always did. And they were wrong, and you were going to get caught. But I don't ever remember anything like that, ever coming up about Dick, never being involved like that. He was always the business side. That's how I always saw him. I don't remember him... actually, this is in the legislative side. I'm trying to remember, it was around Tektronix, and when Tektronix was the tech industry in Oregon, spin-offs with Norman Winningstad. Floating Point, Mentor Graphics came along, and I remember Vic was always this Washington County guy that was always involved in what was going on up there. And it wasn't until 1976, 1977 that Intel actually came and put a footprint here.

James Moore 16:03
Intel footprint and Hewlett-Packard was like '75-ish, [Kulongoski: That's right.] because they were supposed to come to Medford, where I was, but they went to Corvallis instead of Boise. [Both laugh.]

Ted Kulongoski 16:15
No, no, no. I'm gonna tell you the true story: allegedly, somebody told me, and I don't know if it's true or not, it was actually going to Eugene. [Moore: Oh yeah?] It was, I still remember this out on Coburg Road, on the other side of Delta highway, there was a big piece of property where the register guard is. It was called the cone breeding property, and there was this talk about this big company that was going to come to Eugene, and both the City Council and the county commission tubed it. And there's a side story of the history. A lot of the stuff is, I'm just going on, but it was the fact that... what Eugene is, it's a community of public institutions. It was the university, it was the city, the county, the school district, it was the community college, it was the federal government. Had a lot of regional offices there. And the fact is, is the timber industry was the critical piece of that economic base, other than the public service. And there was a cycle of, you know, that winter time would come, there'd be layoffs, snow in the mountains, everything like that. And one of the reasons why they being a labor lawyer representing the wood products unions at that time is that we would always have to bargain when the contract came open to trying to recover some of the losses, if it was a very harsh winter or something like that. And this was the give and take of the industry, the nature actually acted, in some sense, as a governor, you know, you know, on the wage rates, because of the fact that we were always trying to catch up, and in

fact that the employers, since there was no other economic base out there, there was no place for these guys to go to work or their wives. And what the argument was that if you brought in a company like whoever it was that was coming in, you would give more employment opportunities to people, so the pressure wouldn't be on the unions to concede much, because their family would have an income. And it's a crazy story, but that was... whether there's any truth to it or not. But it seems the hydraulics of the economy seemed to work, in that type of situation, these outside pressures. So the whole thing it was, it was a time of great change. It really was, and both socially, politically and economically, Oregon was in this transition period. And I just remember Vic, as I said, as this guy that actually on his, I think it was his 90th birthday, he asked me to come to the Arlington Club to say some remarks. And I said, "What do you want me to say?" He says, "Say whatever you want." So I got over, and I remember, because I think I was the only Democrat there, and I said, you know, I said what he doesn't get credit for, and it was a tough time to be governor in that time. He and I, by the way, before I tell youthis is that our first big conflict came in the... I think it was the '80 special session when they proposed taking $81 million from SAIF.

James Moore 19:48
I have questions about that. Not in these lines, but yeah. Which Hardy Myers, when I said, "Oh, the safe rate," he said, "Oh, don't call it the safe rate."

Ted Kulongoski 19:58
So actually, I gave this great force due to opposition to it, and I was the guy myself, and was I? I worked for a reason, I can tell you later, but it wasn't because of me running. It was because of me being the labor lawyer and being around workers compensation and, I played around with it so much that I actually thought that the money belonged to the employers. You couldn't do that, and the court had actually had previous precedents where you couldn't take these trust funds like this. But it was a tough economic time. The state was in very, very difficult times. I think that one period in '81 where we had about a five or six week special session that Vic had, and it was just hard because of the fact that choices were very difficult. But we got the 81 million, and then you know that they said you couldn't take it. And there's the sidebar of that, by the way, is that, interestingly enough, I gave this speech, and when I'm the attorney general, I think in both 1995 I signed the settlement agreement for taking the 81 million. So I took it from whatever time in the mid '80s when the court ruled it unconstitutional, 95 to get this all done. And if I'm not mistaken, the settlement was some kind of attorney fees, interest cost, and the 81. It was somewhere around $262, $270 million.

James Moore 21:34
We're talking real money.

Ted Kulongoski 21:35
Oh yeah, 81, but I remember Vic, he... I'm trying to remember who his chief of staff was, whether it was Lee at that time.

James Moore 21:47
Lee is there. I haven't pegged down the exact date, but Lee is gone by '81. [Kulongoski: Yeah.] So sometime in '80.

Ted Kulongoski 21:56
'80, that's when he... I remember them working me very hard. And it wasn't to change my boat. It was just saying, "Don't say anything." I think that's what Lee told us, is not to say anything. And you know what? I remember that it was a tough... I know what they were doing, and it was a tough call, and it got this look, you know, I said the 250 it got the state out of a bind at that time. And so I remember that was the first actual conflict, or I should say difference, that we had. Now I have to tell you where I remember Vic now, and it's all coming back to me. One of the things Jason did is, in 70 there was always this dispute of whether the Senate actually, under the Oregon constitution, had Senate confirmation policy.

James Moore 22:47
Yeah. Big thing with Woods was the key guy.

Ted Kulongoski 22:49
Yes! And Kelly Woods from Oregon State, he was a nuclear assistant and came to the Oregon Energy Facility Siting Council. And I think he was the first big vote that actually challenged that. And I remember, I mean, not challenged it, but actually the issue of whether the Senate could actually reject the confirmation of the governor. And we did, and I think it was about a 16 to 14 vote.

James Moore 23:17
Yeah. It's like, with committees, it was tough to line people up. [Kulongoski: It was.] But then somebody was missing here, and we redid it, and it went down.

Ted Kulongoski 23:25
I think some, some Republicans came across, like, [George] Wingard and guys like that. So it wasn't a party, a pure party. So I remember that during that time, and in '78 when I came in... the '78 session was... I remember this as probably the best session that I've ever had, not me, who I had not, just as an experience of being with it, I enjoyed so much, because it was the time the Three Mile Island broke, and, you know, we had voted on this nuclear power... Pebble Springs was a big deal. Lloyd Marbet is always trying to run Trojan down, and I remember I was on this energy committee, and I think Vic was there. Vic was on that, and it was chaired by Ed Fadeley and L.B. Day was the vice chair, and Ted Halleck was on it. Me, John Powell, I think Vic, Kim Jornsted. It was, first of all, this is some heavy players. I was just a young kid, and I remember, and it was the only time I ever remember that every committee meeting was packed. Cameras, people, and then when Three Mile Island broke, and we were all sitting there trying to make order out of it. And as you know, Ed can be very difficult, because he always has his plan. Even if the committee was against him, he would figure a way to try to manipulate it to get what he wanted. But I remember serving with him, and it was always an interesting time with Vic. He was always very thoughtful. You know, there wasn't much passion. I don't ever remember him actually getting to a point where he actually, you know, got emotional about anything like that. It was just very business-like. It was very thoughtful, and now jumping back in that time frame when he became the governor and B. Straub, and I always felt bad for him, by the way, because I don't think Vic ever got a reputation as a great politician. [Moore: No.] But I tell people, my students, "I want you to understand something. In 1978, there was a race in the Republican primary for governor. And I've always believed that Oregonians think that Tom McCall had never died, and he stopped there in the woods someplace, and he's going to come back." And I said, "In '78, he came back."

James Moore 26:27
And they said, "Go back in the woods." exactly.

Ted Kulongoski 26:27
Exactly, and I said, "Vic actually beat Tom in the Republican primary."

James Moore 26:36
Rather handily.

Ted Kulongoski 26:38
Death was the precursor, after we had been listening about Mark Hatfield, and you know, the liberal Republicans, Mark

Hatfield, Bob Packwood, you saw Dave Frohnmayer, Norma Paulus, this whole group of people, were coming in. And I think what Vic's race against Bob was, was his tipping point where the Republican Party was making this switch.

James Moore 27:05
I'm glad you use the term liberal Republican, because people talk about it like Dave. They kept talking he was a moderate Republican. It's like, "Oh no, no, no, no, no." These are liberals who happen to be Republicans.

Ted Kulongoski 27:07
What their name was, was they were all to the left on all the social issues, but they were to the right on economic issues.

James Moore 27:27
They were Conservative economists.

Ted Kulongoski 27:30
That's exactly... and that was the liberal Republican. I always believed that Neil actually saw this happening and sayss, "Well, hell, they could do it. Why can't I?" And he worked the same process with the business community, trying to actually grow the economy, and Vic came in, and it was this time in the 80s, when he was governor, where we got in this recession. It was just a terrible time. In fact, when I ran against him, which we'll get into in a minute, that was the theme that, in fact, that he didn't do anything. But you know what I later found out, and I realized, is that for a Republican, this is Democrat's side, he was a long term thinker, and a lot of people, I don't think, ever realized that Vic had a better sense, and maybe it was because of his family, what we talked about, you know, being in the import-export business, that he had a better sense of trade and the global economy than, I think, any, even more than I tell you the truth, Neil or anyone else. Because when thisâ€¦ most of us weren't even thinking about it. The unitary tax came, this whole idea of Japan, the Far East. And actually, what people forget, Vic was very, very successful. The dilemma for him was in dealing with Asian countries on trade, you could get a deal in 1982 or '83, but it may not come to fruition until 1990 when you're out of office. But when I was governor, people were still talking to me in Japan about Vic Atiyeh, about how he did this, and how he came here and he did and what they were respectful of is the effort that he made, when, in fact, it wasn't a big deal right to be going over to Japan and doing this. Now, I know there was trade going on in the world, but here in a state like Oregon, we still hadn't got our imprimatur out there, and I think Intel is probably... when Nike probably gave us this image economically. But the fact is, is that Vic was out there plowing this ground, long before anybody else was and trying to get Oregon positioned. And it came: you know, Fujitsu, Epson, all these companies, actually, the seed was planted by big companies. They come here. Now, the why came apart, as you and I both know, is that the Japanese economy went in the tank. And they just, I mean, they're, well, SolarWorld out there is in the old Fujitsu...

James Moore 30:19
It's Fujitsu, yeah.

Ted Kulongoski 30:21
Yeah, it's in the old Fujitsu, which never opened. [Moore: No.] But they built it.

James Moore 30:24
They built this big thing.

Ted Kulongoski 30:26
And the economy went down. But Vic was the one planning that, and I always thought he never got the credit he

deserved for actually seeing into the future. And it's one of the limitations of politicians, elected officials. It's always a short term issue, not worry about after I get reelected. But both the tax code, trying to get people interested in trade, to seeing where the future was, I think he was pushing that long before, the current era of people like myself.

James Moore 30:57
Well he was doing it before anybody else in the country. [Kulongoski: That's exactly... he was.] So by the time, so by like, '85 as he's out there, he's beginning to run into the Bill Clintons of the world, you know, that kind of thing. And they're saying, "You know, wherever we go, you've been there for two or three years already." Well, you know, whatever.

Ted Kulongoski 31:16
He did, yes. And I think if there's a legacy for Vic that is it, more than anything else. And I still believe the Oregon economy is in transition still from resource based to this technology based, and we will get there. It's just taking time. But I think when you go back, and historians take the long term view and they look at it broadly, they're going to see that the guy that was out there in the beginning doing this was Vic and all the rest of us since him have actually followed in his footsteps, in the sense that I don't care if it was Neil [Goldschmidt], it was Barbara [Roberts], John [Kitzhaber], and my guess is Kate [Brown] will do the same thing, is that we've all actually cultivated that trade issue. I think, you know, the thing has changed a little bit now with the bonds that came in was this movement back to Europe, and we tried to look back that way. But Vic was the beginning of that, more than anything else. Um... the election....

James Moore 32:19
Yeah, so when did you first decide you were going to run?

Ted Kulongoski 32:22
Actually, I always hate to put these things in the archives. I didn't actually, I had run against Bob Packwood, and I knew that it was a good run for me. He was a good opponent. I think he's the best politician I've ever seen. Very smart, incredibly smart man. The person that was supposed to run up against Vic was Jim Weaver. Jim Weaver was going to run, and I went to the Democratic state convention that was held, I believe, at that time, at Western Oregon. And it was in about 1980, '81, and '80, and Jim told me he was going to run for governor, and he wanted to give me a heads up, because he wanted me to take his congressional seat. And other than my own blind ambition, I'd never had any desire to go to D.C., even when I ran against Packwood. It was more... it was a good fight.

James Moore 33:31
I asked Vic about that, very those kinds of things. He said, "Why would I even want to think about leaping?"

Ted Kulongoski 33:38
So I thought this was a good idea, and I was ambitious. I was young, and I thought that this is something to do. And I remember the call came to me, and it was late in 1980 and maybe even January of '81 and Jim Weaver, it was a call late at night, two or three in the morning, telling me he had changed his mind and he was going to run for re-election now. I think Jim knew some things that were going on in his life and he wasn't going to go out there in the front. And if he left Congress, you have no leverage, and so he stayed and his seat, and here I am sitting there all wound up, you know, all lathered up to make a run, and nobody... I think I know what it was. The only person that they were talking about was Don Clark, and then what happened? I said, "Well, he's not going to win." So again, with my young ambition, I got into the race. It wasn't that I thought that economically, it was a good time. Now the other thing...

James Moore 35:02
I got to tell you, political science would look at that race and say, "There's no way in the world that you could lose."

Ted Kulongoski 35:07
Well, what happened is that, I actually had a bill in the '79 legislature, which was cold, and this is why words matter greatly in politics. It was called "Plant Closure" at that time. And it was this idea that if you were an employer, and I think it was first 50 and then 100 employees, trying to compromise it, trying to get it out, that you had to give them advanced notification of your intentions to close. And you know, from my side, what I remember doing some work for, [unintelligible] products union, I had gone to too many mills, and they were told at five o'clock on Friday, "We're done, and don't show up on Monday." And it wasn't just the individuals, that enough was warranted, but to the local governments who depend on their tax bases. And I remember down in Klamath Falls, a guy told me one time that a mill closed, and he said, "Well, we knew it was coming." And I said, why? And they said, well, one of the things that's a rite of passage down here is when the industry is going, the timber industry, every year we get a new pickup truck, and the banks finance it. There was never a question. All of a sudden, the banks cut off the credit. And so the banks knew, but no one else did not. And this was all after the fact, but, but I thought the tax bases just needed advanced notification and so ultimately, it never got out of the legislature. But as you know, is that in '86, Reagan picked it up, and changed the knowledge... and it's almost the same bill. He changed the name to "Advance Notification," instead of "Plant Closure," and that's a very important thing, because Dick did, and in the race, I wasn't a very good candidate at that time. I just, you know, I was young. I had more ambition and desire and passion than I did probably thinking about all these things. But Vic was extremely vulnerable in that race, and I think if you talk to the people on Labor Day, he was in trouble. And what they did is that they, I don't know which one of the people in his staff, but they actually decided to make the plant closure issue the focus of the campaign. And so what happened was that itâ€¦he just... "closing plants." Yeah, and that was his mantra. "He's going to close plants." I said, "No, no, no!" You know? Well, that's what it is. And later in life, we laughed at this. I said, "Vic, you used to run around and go like this. I've got a list of companies," You know, right? He had his suit pocket. "Right here you are gonna leave." [Both laugh.]

I said, "Vic, you never showed anybody that list!" And the reason was there wasn't anybody on it, but it was a great thing, and he flipped the campaign out. Part of it was my own, because at that time, the public sector unions were not the financiers, the financing element of the Democratic Party, like they are today, and if you were going to run statewide, you had to get big business support. And there were some, even up here in Portland, people who basically agreed with me, obviously, you know, like I had dinner with the Schnitzers, and they got on me because I didn't make it a bigger issue. And I said, "Well, come on." Because they saw what I was telling them, and what happened was that a lot of business communities told me that they weren't going to contribute to me if I continue to make this a bigger issue in my campaign, and it had some dynamics on the business community, depending on how big you were, and so I kind of pulled back, because I was trying to get money from them, but still stay true. It was a great lesson in life, be yourself, [state or stake?] the course, and I tried to split it, and it was disastrous. And because what had happened, Vic was now only getting ground by patting his chest. I was losing my base because of the fact they thought I wasn't committed to the issue, and it's just youthful exuberance and things, but it was a good lesson, and Vic won, and I remembered, and actually he and I laughed about this, because I'll get to the Warm Springs in a minute, but we became closer as time went on. This was not a relationship that was mended in the beginning because he was still mad, because I was after him, because of the fact that he didn't do anything, and he was always running around. And today, it would be a statement that would get you in trouble if it's because his mantra was, "If it ain't broke, don't fix it." And I don't think that works today, because people want change. Yeah, absolutely, but it worked for him at that time, and he got made position as this crazy... [Moore: Plant-closing guy.] and I was trying to tag him as the "Do-nothing governor." And so we both left the campaign somewhat bitter at each other, not bitter in the sense we never say anything, we just didn't have any desire to get together and do anything. And so what happens is that... and I tease Jeff Mapes about this because he wrote right after the election, "Ted Kulongoski," is how he started the article, "Ted Kulongoski, who lost by the largest number of votes of any gubernatorial candidate in Oregon history." And then he'd have the rest of it. And I thought, "God, this is what is going to follow me the rest of my life." And I have to tell you...

James Moore 41:44
Thank you, Bill Sizemore.

Ted Kulongoski 41:45
That's exactly what I was gonna say. I tell my students. I said, I'm gonna tell you why. I tell this story to my students, just like I told you just now. And I said, you know, "There is a political God, and I'm gonna tell you why. In 1998, Bill Sizemore decided he wanted to run for governor against John Kitzhaber." And I said, "Guess what? It's 'Bill Sizemore, who has lost by the largest number of votes.'" And I said, "In politics, you get no prize for second place."

James Moore 42:08
Second place doesn't make any difference. [Both laugh.]

Ted Kulongoski 42:13
[Unintelligible] I'm gone now. But Vic, and I think Vic must have chuckled about it, you know, because I used to say, "How am I ever going to get over that?" And Bill Sizemore actually took it away from me, and I'm glad he did, because I would have seen it in 2001 when I ran against Maddox, because he would have used it. But it was no story any longer. But anyway, I think that for a while, Vic and I just passed in time. You know, just together. He left in '86, I was, I think I did see him someplace, because I was doing the workers comp reform. And he actually said something to the effect, I remember he said, "You know, it's a long time coming. Keep after it." Because it was always people forgot that... at least the years that I was in the legislature, every legislative session ended on a fight about workers compensation, and they were really tough, and Vic was on one side and I was on another, and I was actually the guy in the middle, trying to get everybody together, but I couldn't get the employers, the employees... and then the Mahonia Hall group came up, which was the best idea they ever came up with, was how to do it. And somebody asked me. They said, "Why'd you do it in the basement of Mahonia Hall?" I said it was the only place I knew of that had a 10 foot fence and armed guards around it, and I could keep out the interest groups. And, I mean, that's the only reason it worked. And I had people sequestered, and we had them in a spot where we could... and they did great work. And so I remember crossing then, and we were at events together, not as the governor, because I had been the Attorney General, and then I had gone to the court, and so I would actually see him in events that we were both at. He was always cordial. We always said hi to each other, but we didn't have any extended conversations. And then I don't know, it was when I became the governor, and I actually reached out to him a couple times, just doing issues. Just saw him calling and said, you know, "What do you think?" And it kind of started pulling us closer and closer. And then one of the things that as the attorney general that I had more and more of a relationship with were the Native American tribes. And I started finding out how much they respected and honored Vic Atiyeh.The Warm Springs, yes, because he's having a very close relationship with them. But all the other tribes there look upon Vic as somebody that broke the dam on this too sovereign issue here in Oregon. We need the tribes very, very much, particularly on those that have a large land base, Warm Springs and the Umatilla. It's water. We have to work with them. You know, I never have talked to Vic about the gaming issue, about what he thought about it.

James Moore 45:34
Yeah, because he voted against lottery every single time, you know, consistently. Then when it was finally put in place, we the people pass it in '84, his first message to Gerry was, okay, it's in, great, make sure that it goes to economic development. Apparently, he had a huge fight with Mike Thorne over that. [Kulongoski: Yeah, I agree. I agree.] So, but you know, well, it's finally come, good. It's going to do this.

Ted Kulongoski 46:01
I forget, who was the lobbyist that they hired? G-Tech, gave him a large sum of money, and they wrote the bill. And it's, it's the third branch of government, you know, other than the governor's appointment of the commissioners, yeah, that's the balance in it that would actually keep it a public entity. But the fact is, is that it's just... because it came in at '84 and he left, and so it was originally written about economic development, yeah, and then attorney generals like myself just started writing, well, education is economic development.

James Moore 46:46
And somehow the U of O football team is economic development. Whatever.

Ted Kulongoski 46:50
Actually, I understand they're looking at, remember that thing about sports betting?

James Moore 46:55
Oh yeah, and we were grandfathered in one with the NFL.

Ted Kulongoski 46:59
And I understand that people are looking at that again. Want to go back down... [Moore: Other states?] Yeah, they want to get into that again. But you know, the revenue issues are the same now as they were with Vic. I mean, it's just the instability in the system and, I think that one of the things you learn after you get around this system and Vic, I think knew this very well, is that the tax system that Oregon has was built around the Natural Resource Based Economy.

James Moore 47:33
It's a tax system that reflects the 1910s and 1920s. That's exactly and it hasn't ever changed.

Ted Kulongoski 47:41
It's a conundrum, and the only thing I have ever criticized John Kitzhaber for about this, was the window of opportunity for the change was 1995 to 2000 when the state general fund was growing about 21%, and he actually tried, remember? And he had the polls, and then backed off of it, and I still believe that that was the time... I've never believed that you... this is just me... I never believed that the best time to have this debate with the public is when the economy's going down.

James Moore 48:20
You gotta do it when you're on the crest. [Kulongoski: That's exactly...] You're going up there, saying, you know, look, why did the economy go up 2% and we have 20% more?

Ted Kulongoski 48:24
We can give you 10% back!

James Moore 48:27
We'll give you 10% back, but we got to make it more rational. So if we go up by one, it goes up by one. [Kulongoski: That's right. That's exactly...] But no. And Kitzhaber, why after the '98 election, when he got more votes in many Republican districts than the Republicans got in those Senate seats... he had amazing political capital. And, yeah, it's just one of those mysteries.

Ted Kulongoski 48:56
So, the rest of us have all been living with... like Vic did. You know, trying to figure out, how do you make this work? And it's difficult. But can I tell you, at the end, with the Native American people, whom I actually ended up taking his place on on the Workplace [Committee]...

James Moore 49:15

Yeah, that's what you said. That's wonderful.

Ted Kulongoski 49:15
And they've actually, now have, they've actually pointed me to another board. It's around economic development, broader sense. But you know, after I was appointed and I took Vic's place, Vic showed up at all the meetings. [Both laugh.] Our relationship just got better and better, because it didn't bother me. And he participated and everything else.

James Moore 49:42
About a year ago, I interviewed him. He asked me in October of 2013, right after we had the big thing in our Pacific archives, that you weren't able to get... but it was an amazing night. And he asked me right after that to write his biography, so I was able to interview him on tape four times, and in, I think January, I interviewed him because I was teaching, so there's a Christmas break one, end of Christmas break interview, a spring break interview, summer interview. There we go. But he was talking about his relationship with the governors. And, you know, he and John never warmed up terribly. I hope I'm able to talk to John. But when John was inaugurated the first time, Vic sent him a letter saying, What the hell is with the jeans?

Ted Kulongoski 50:37
No, that's it, that was the thing.

James Moore 50:39
And, you know, he never warmed up, but um, he just adored you and Barbara [Roberts]. And Barbara had been, you know, pretty long term, because she'd been out of office longer, but um, he just, at one point, turned to me, and he just got that, you know, that crinkly smile in his eyes and kind of a, almost a little giggle. He said, "You know, Ted's somebody that I can really, you know, there's a bond there." And he just said he just loved it.

Ted Kulongoski 51:09
Do you know, remember I told you in the beginning that he was a grandfather? Yeah, there's another, or some more adjectives that go with grandfathers, I think. And one is you end up respecting them. Secondly, they have wisdom. And the third is, when you're younger in life and you're passionate and you get excited, your wisdom and just age gives you this aura about you, that don't get excited when you listen to him. You may not like what he says, but think about it, and I think that's what Vic [was] about for me, is that I always had a respect for him, but not like I did in the last 10 years that I've known him, and I just realized, and I think that probably was as governor, realizing that how much he did for the state. And I am very... I think the weakness of one of the weaknesses in our political process is we think short term too much, and we don't think long term, and we're not willing to make the long term changes, you know, the strategy. And I think, you know, this is your business more than mine, because you're the political scientist, I'm just the practitioner. But I tell my students that, I said, they always say, well, who are your idols, leaders and everything? Well, I said, I like Teddy Roosevelt. Obviously I like FDR. But I said, the guy that I'm going to surprise you with, I think, is going to go down in history as one of the greatest presidents in the 20th century is Ronald Reagan. And I said, I'll tell you, if you go back and look at it, tell my students. I said, from Roosevelt to Reagan, and there's Republicans and Democrats. Every Republican got elected, whether it was Eisenhower or Nixon. It was always with this idea we were going to change the New Deal. We were going to stop this welfare state, and none of them ever did. And everybody walked away disappointed in them, and Nixon particularly, because I actually think, other than the fact everything that the Liberals [unintelligible in the environment, Clean Water Act, Clean Air Act, NEPA, the Endangered Species Act, you know, from a labor lawyer. This guy imposed wage and price control exactly. [Moore: Exactly.] Jesus. [Both laugh.] I said, I could look at him as a hero in Vietnam, but the fact is, is that, as a social person. Sky was very, very good. And you know what Reagan did? And I tell the students, I said, you know, most of us believe, and why we lose traction as governmental leaders is we're going in this direction, and we try to go in this direction, yeah. And making that big of a switch, just in a large country, in a democracy, you have to understand it takes time, and it's tough to do, but what Reagan did, he's going to start, he just deflects the angle, institutionalized the change, and over time, I end up

with a president, as I tell my students, like Bill Clinton, who is the left, who signed off on the greatest welfare reform. [Both laugh.] How do you figure this? You know, and I said, so I think what Vic did more, it wasn't any of the flamboyant stuff that McCall or anybody else gets. He was more like a Reagan: incrementalist, you know, institutionalize it, move it along. And he just stayed the course on this trade issue, yeah, and he's moved us, and I think it is the right direction. I'm not telling you this is an endorsement of the trade policy actually, that we have... but I do think there is a national and a global economy that you have to participate in, and Vic saw that, and it's how you actually are able to get this state to be able to do that. Yeah, tax policy, I think his view of administrative government, all fostered that idea. And, you know, one of the things... I'm just with Kate, and I just told her. I said, "Listen, this isn't a complaint. I'm just telling you. I just read in the paper where your head of your economic development group has said, 'We're only going to emphasize... we're only going to invest in local governments.'" I says, "Don't let them do that to you. I said, "This is a global economy." And I said, "You can't go back and close the door on this. That can't be right." And she assured me it was an overstatement, and it isn't what they mean. They just want to start emphasizing the Oregon businesses. And I said, that's fine, but I said, "You've got to stay competitive internationally." And if Vic were alive, if he read that, I know he would have written or said something to somebody, "You can't do that."

James Moore 56:26
You reminded me of when Bob Straub had reformed what eventually became the way, you know, PERS works and all that kind of stuff, and people wanted as... "Well, no, we need to invest in Oregon." It's like, no, no. This belongs to the employees, and we have to get the highest return. And so if Oregon works, great, but don't limit us. We've got to play at a bigger, bigger playing field.

Ted Kulongoski 56:49
Bob told me one time that the reason he went, his biggest thing he thought that he got credit for is the state treasurer. He should be recognized. So he says that when I ran for state treasurer, the only people that ever contributed to my campaign were the banks. And I says, "Why was that?" And he says, "Well," he says, "you were the state treasurer. You put all this money in their banks."

James Moore 57:15
To get 1.5% or whatever.

Ted Kulongoski 57:17
That's right, and then they were loaning it out at about four or five. And he says, "They were having a boondoggle!" And he says, "I just thought it was unfair," and so he started changing all these policies. You know, he was a bright guy, really, really smart guy, but anyway, the whole thing is that I think that Vic, at the end, the state should recognize him for what he did for us in the economy more than anything else. Look, we all have missteps. I know when he came in, he brought in the -- this just shows you how anal retentive I can be -- he brought in the CFO of [unintelligible] to be the head of DAS. We're going to run it like a business. I think it lasted about six or seven months. Do you remember this at all or something like that?

James Moore 58:03
Yeah, I can't remember what the name is, but yeah.

Ted Kulongoski 58:12
And he left, and government is government, and I think that's just the way... you know, there's a story that Mitch Daniels, who was the governor of Indiana,and he wanted to privatize Social Services, entered into about a $5 billion contract with Microsoft to develop a system. And my daughter-in-law is from there, and I was back there with their family at a family event when I was governor, and he was on television one night, apologizing, and he says, "This hasn't worked." And he says, "I'm telling the public." And he says, "I take the [heat?]." It was just great how he did it. I just, I

was more impressed with how he did it. He says, "I take full responsibility. I thought this would work, because I learned two lessons." He says, "One, not everybody has access to technology. They have a tendency to think, but when you're dealing with social services, a lot of people do not have access to it." And he says, "The second thing I've learned, even if they do, sometimes you have to have a face to face contact with people. You can't do it all by emails, and just all this technology." And he walked away, and they lost a heck of a lot of money in it, but I've always thought that, in fact, that it's one of the qualities which I would think that Vic would do if he had ever done anything.

James Moore 59:47
Well, he had a tremendous respect for state employees. [Kulongoski: He did.] A tremendous respect. He'd been the, you know, in the legislature for 20 years, budget committees the whole time, he knew what they did. He knew all that stuff.

Ted Kulongoski 59:59
That's because he met with him every damn week.

James Moore 1:00:03
Oh, yeah, and when he became governor, yeah, he had meetings! [Kulongoski: He did!] Barbara says one of the best education she got was being Secretary of State and getting to sit in on those meetings.

Ted Kulongoski 1:00:13
No, it was, and it set a bar. I don't think any governor sets it. I know, I didn't, I didn't have the time to do it, but Vic would actually spend the time to sit down with these guys and ask them to go around the table. And we all try it in the beginning, but none of us sustain it like he did. And it was just, you know, it's interesting, because today you look at Republicans and Democrats, and you come away with a particular image. And I don't think Vic is the Republican you see today, and he was more of a guy, an individual, which I think... I was listening to C-SPAN, I got a [blight?] lesson. It's just been about two or three months ago, and it was Orrin Hatch, and sitting next to him was Ron Wyden, who was on the Senate Finance Committee, and the two witnesses were Bob Packwood and Bill Bradley. And what they were doing was trying to talk about, how did you guys do tax reform. And it was a time, you know, where you could come together like that. And I think that's the type Packwood, even though I call him a liberal Republican. The fact is, it was because he had the position on abortion and gay rights and everything, but he always was doing business with the business community, you know, trying to make the... how they saw the economy, and that's what I think Vic did, more than anything. And what he did is he just didn't get out and lead the parade, you know, like Tom did. Tom, he'd...

James Moore 1:01:52
...find a parade, and he'd just go. [Both laugh.]

Ted Kulongoski 1:01:54
He knew which one needed a leader. And actually, I tell my students again that the big change, because they always ask, "What's the big change?" I said, "It's the diminution of the role of the legislative process and public policy." I said, "I remember when all the big ideas, the beach bill, the bottle bill, land use planning, were all legislative initiatives. They did it in that interim process, and now it's all driven by the executive." And I says, "It's not good government that way." And I think Vic grew up at a time when the legislature had purpose, and had influence, and it mattered a great deal, and it still does, but in a different sense, that you could do something." If there was something you wanted to do, big change. You could work together, and you could bring good government to the people of the state. And I think what's happened is that we've just lost sight of the legislature as that policy making unit, and they're just they're on the edges, and they should be in the middle of it. And I think the last big legislative change that has occurred, tell you the truth, is John with his Oregon Health Plan, that was the last one which he drove out of the legislative process. I don't think there's... I mean, all of us do things.

James Moore 1:03:08
That's all 20 plus years ago. I think youâ€™re right.

Ted Kulongoski 1:03:20
And Vic must have been dismayed as to watch this in both the Republicans, the Democrats moving to the left, and the Republicans to the right, and trying to figure this out, he must have been very distraught.

James Moore 1:03:33
He, you know, especially watching it from within his own party. His description of the moral majority types and things like that is, you know, why are these people getting elected to Republican central committees and things, and then redefining what a Republican is? What's that? I was talking to Tony Van Vliet. He said, "After a while, they'd go to the statewide Republican conventions, and if the moderates got up and proposed anything, they'd be booed." And so they'd all just go off, you know, the 12 of them, go off and get a beer. Let the meeting go on.

Ted Kulongoski 1:03:34
You saw what happened this year? 1200 of them met on... that's one convention, and then Dorchester had 600.

James Moore 1:03:44
Exactly. It's nuts. It's interesting hearing you talk like this, because after the 2014 election, because I'm giving billions of talks, you're looking at Kitzhaber was the weakest he'd ever been. But we have this problem in Oregon. We have a reactive legislature. The governor is what generates everything. And so who's going to step into this vacuum or do what... and all we've all seen is the Betsy Johnson bills, that's all, and it's like, well, this is so, you know, the Oregonian is so funny on clean fuels, so controversial. It's the same bill from two years ago. It hasn't changed at all, but it's... so we're obviously... so is Val Hoyle going to step up with something? Mark Haas said, "I'm going to do something on tax reform." It's like, you know, time's ticking here, and we're seeing a reactive legislature. Still, I agree, even in this power vacuum, I,

Ted Kulongoski 1:05:17
You know, I actually tried to talk to John about it. This is... during the campaign, taking on the tax reform issue again, but I tried to get him to look at it a little different. And because I still think the soft spot in this is the property tax, still, after all these years, it isn't changing the income tax, it's changing the property tax. I said, I would just take -- and I tried to convince him just to take the schools off of the property tax, reduce it from one and a half to one, have a 5% sales tax and say it just goes to public education. I actually worked out the numbers of 5% general exclusions. It raises 5 billion a year. Both the state contribution and the property tax was about nine. I says, "It'd give you a billion more to put into some form of reserve fund." And then I says, "You have to do statewide collective bargaining." I says, "You can't." And here I'm the former counsel of the OAA and general counsel foreman, and when I became governor, and I just kept getting all these bills from 197 school districts, because they negotiate a contract and send it to me and says, "Now we have to have this money to fund this thing." Yeah. I said, "Well, why shouldn't I be the one sitting at the table saying, 'This is what I want.'" Do it like Washington does. It makes a little more sense. But I just, you know, getting to Vic, I think I'm in the same school that... you came into this process, and it was one thing, and you've watched it [Moore interjects: change to whatever] it is. And he must have sat back and thought, sometimes, you know, it's more than just saying I wouldn't have done it this way. He says, "This isn't going to work." And look, I have such great confidence in people and what Lincoln referred to as the better angels of our nature, but I do think we'll work our way out of it, but boy, it is one heck of a time trying to figure this all out today.

James Moore 1:07:24
We tend not to do anything until there's a disaster.

Ted Kulongoski 1:07:26
Yeah, yeah. I agree.

James Moore 1:07:28
Can you imagine if the whole switch of governors had happened four years ago in the middle of the recession? I have the greatest respect for Kate, I think she's going to do just fine, you know, politically, she needs to do stuff, blah, blah, blah, but being thrown into that would have been awful for her, the state, you know, boy, it would have been just amazing.

Ted Kulongoski 1:07:53
The Press called me when she came in and I says, "Give her a break." I says, "For God's sake, if you run for governor, you usually have two years to tell the public what you're gonna do."

James Moore 1:08:01
Exactly. She's had... 36 hours. [Both laugh.]

Ted Kulongoski 1:08:06
And you usually, before the election, you're sitting there looking at your staff, if you win, who you're going to get, and you have a two month period to get the staff together. You get to put a budget together, you know, you take the other governor's budget, but you get to put your fingerprints on it, you're imprimatur, move it ahead. And I said, this woman has gotten four days to do this, and you're all sitting there saying, what's she going to do? I says, give her a break, and I said that she just needs to get her feet under, but it... I don't know what it is. You're the, as I tell my colleagues, you guys are the more or the political scientist, I'm just a practitioner. I bring it together. But I said the theorist versus the practicality of all this stuff, it just gets lost. And a guy like Ted Cruz, by the way, he is one smart guy. I'm not telling you I agree, but guy actually is smart, probably too smart for his own good, or he may think he's too smart for his own good, but...

James Moore 1:09:13
Yeah, no, he's very smart. Marco Rubio is very smart as well. And watching these guys, in fact, they're gonna run a cerebral campaign, but like with Cruz, it's already falling apart, because we found out all of those students at Liberty were forced to be there or be fined. That's like, that's not a good backdrop. [Both laugh.] Like, No.

Ted Kulongoski 1:09:38
But you know, remember I told you about the narrative, I think I gave a speech at the University of Oregon, what three weeks ago, to the Young Democrats, and I was trying to tell them that our party, and it started off, and I said, "The 2014 elections, I will let you know, are not an aberration." [Moore interjects: Oh, no.] "That is an indication that there is no message for the Democratic Party and how the public perceives us." And I says, "We have to stand for something. We can't stand for everything." And say, vote for me because I'm on your side, whatever it is I'm on your side. They want to know about you. And I said, "You've got to have a different message." And I was trying, I still think the message is social and economic mobility, getting on a foot on the rung of the ladder, but that's the Elizabeth Warren message. And I think that that's probably across party lines, but I don't think anybody's going to... some people try and chase it down, but I don't. But Vic, in his own way, by the way, had a belief, I think, in giving people the opportunity to take care of themselves and their families. I think he honestly felt that as a foundation of political thought that he has about it, giving people a chance, and the economy just wasn't for business people. It's for all of us. It should be something that helps us all get where we can in life.

James Moore 1:11:14
So he did an oral history with Oregon Historical Society in '92, '93. 65 tapes, thousands of pages. I've read every single one of them. But fascinating, when he's talking about the recession, boy, we need safety nets. We got to cut budgets. We have to invest... the only two things he wanted more money for were economic development and higher ed. Everything else we got to figure out. But we can't cut the safety net because, you know, that's horrible. But then when you get out of that really good classic republicanism, when do you encounter moral hazard? When am I enabling you by getting you this service and boy, he's all over the place because a case comes up. He said, "Well, that shouldn't be government's job," but this case comes up as "Well, government has to be there." And so it's a great conundrum. So it'll be just interesting to see if that plays out in the policy side, when he's in the governor's...

Ted Kulongoski 1:12:19
It's, you know, my view of this has always been that I look at life from bio and background. When I tell you where all... I think what it is is that, if it's life is a 100 meter race, every one of us have a right to participate in the race. We have to be able to get to the line. And I think government has responsibility to see us get to the line. Yeah, once the race starts, it's everybody for themselves. You get as far as you can go and as fast as you can, and if you don't want to run it, I don't care if you get off the line, I want to get you up to the line. Yeah, but I think that that's the dilemma is we haven't figured out where that line actually is, and how much do we still involve ourselves in determining the outcome of the race. And I always worry that we're going to kill our individual initiative if you do too much

James Moore 1:13:16
Oh, yeah, yeah. That's what the Scandinavian countries are all kind of figuring out. So how do we do that, as well as cost a lot, so what do we do with all that?

Ted Kulongoski 1:13:25
You know, I was thinking when you were talking about all Vic's tapes and everything... I think that's a characteristic of all of us, is that once you sit us down for a long period of time and give us different fact situations. It's sort of like the Supreme Court. Yeah, you know, you go all over the place and you're trying [Moore interjects: to find this to support this.] It's the balance. You're trying to find the balance of this whole thing. And as we become a more diverse and a more larger, in terms of numbers, society, where there are more cohorts inside of it, becomes more and more difficult.

James Moore 1:13:25
It's really, really tough.

Ted Kulongoski 1:13:36
It is. Which gets me back, and I'll leave you alone, that this whole idea of where Vic came from, the timeframe he came in politics, what was it like then? What was his education in politics? And then you get where he's at. And that's me and every one of us. That's how I always seem to look at it, like this is just to figure out how you got to the position you did, and realizing that there are very few absolutes in life, and it's the human condition that you just have to... don't you think, you're the political scientist, but don't you think this is... Democracy is just a grand exercise in human nature. The best and worst of us.

James Moore 1:14:55
Exactly. It's the only way we figured out that we can incorporate human nature into the political process that can deal with changes in that human nature. Is it pretty? No! [Kulongoski, simultaneously: No!] But, because it's flexible enough, and it may take a generation or two to be flexible, but whatever it is, the flex is able to be there. Protecting minorities, you know, the rights of the minority is tough, but yeah.

Ted Kulongoski 1:15:28
I listened to NPR this morning coming here, and they had a debate about Indiana, and their Religious Freedom Restoration Act had passed and the governor trying this, and he was on television yesterday. I understand I didn't see it, but he said "Hey, look, this is just what the federal government passed, that Bill Clinton sponsored and the Democrats voted for. It's in 20 other states." There's a variation to it, but I finally realized what the argument is now, and that is, well, that was then. This is now. It's 20 years. That doesn't mean you have to do it 20 years later. Times have changed. And I guess that is part of the human nature, is our education, each of us have. This is individuals and a society, and we move, and you shouldn't be locked in. I guess it's pretty hard for a lawyer to say that, because, we're all based on precedent and what happened 100 years ago exactly. And see what happens.

James Moore 1:16:33
Yeah, same sex marriage, you know, boy, we resoundingly with lots of states in 2004, partly as a Bush campaign tactic, said, "Hell no. It ain't gonna happen." And one of the things that I'm going to be fascinated to watch is... I really think they should have gone to the people with it instead of just relying on the court. And part of it is just because that's why we do things in Oregon, but part of it is watching, 50 years after the Voting Rights Act, there's a couple of big things with education, from Brown versus Topeka, you know, all that stuff. But they're now changing them because they were interpretations of [unintelligible]. And now 50 years later, they're saying, well, the court really meant this. It's like, man, you got to put that in statute, or you're toast. And here in the Constitution, because we have this weird constitution, but it's going to be just fascinating to watch and see how those kinds of things play out.

Ted Kulongoski 1:17:34
Justice [Ruth Bader] Ginsburg has talked about this very thing, and she's in some of my areas, also on the gay rights issue. And what they both have used as an analogy is the Roe v. Wade decision in '73, when it wasn't done legislatively, it was done by the court, and here, 45 years later still, we are still in a death circle over this issue. It's a bad word, but in a struggle over this issue. And they said, and what I think both Ginsburg and Sotomayor were trying to say is, let the states work this out, you know, and it's actually probably come to fruition. They never thought...

James Moore 1:18:22
Yeah, in practice, that's what's going on, that's Idaho versus Oregon, et cetera.

Ted Kulongoski 1:18:26
Yeah, it's about 20 states, 20 or 30 states now have gotten some same sex marriage provision, so the court's going to get pushed into it. I'm anxious to see how they're going to handle it, because the court is still in court. You know there's at least four and then, depending on what Kennedy does, you'll have to figure it out.

James Moore 1:18:50
But yeah, with what we've just been talking about, they're reflecting the politics of when they came in. [Kulongoski: That's exactly...] There was a great article that was looking at the court and looking at the 1950s court, and it's like the 1950s court was ex-governors, ex-senators. And this is all these people that, all they have ever done has been federal judges. Since Sandra Day O'Connor left, no one has had any experience outside of that.

Ted Kulongoski 1:19:18
Do you teach now? Seminars? [Moore: Yeah.] I just get up and I just said... we get on the Supreme Court, I says, "Tell me this. Do you think the Supreme Court should be representative of all of us, socially, racially, religiously?"

James Moore 1:19:35

They've got all five boroughs of Brooklyn or New York. [Both laugh.]

Six of them are Catholics and three are Jews. Are you telling me this is representative of all of America?

And as a Stanford grad, I say, you know, I disagree with Reagan on a lot of things, but he appointed Stanford people to the damn court. Now they're all from Harvard. Like give me a break.

Ted Kulongoski 1:19:56
You're absolutely correct. [Moore: It's just nuts.] What my belief is, is that the ABA with the East Coast establishment, basically grabbed hold of these appointments above the district court level in the federal system, and have created a template that it's where you went to school and where you came from on the court, you know, are you coming from a district court? Are you coming from a circuit court? And there is a progression on this thing, and I'm going to tell you, if you don't go to an Ivy League school, you're just not in. You're not in, you're not going to make it.

And I actually, I have done the very thing you just said. I have sat down and looked at the way it was in the '50s, with who they were, and where they came from. And I think Johnson was probably, well, others have tried, but with [Abe] Fortas, he tried to put Fortas on. Well, he did, but it failed, and that didn't work, and then it's just the last 20 years. It's just a path. And I think most people, lawyers, that ever had an idea of going to the Supreme Court know that there is a pathway. Near most 99.9% of us aren't on it.

James Moore 1:21:23
Yeah. Just as you were saying that, I'm wondering if we can go back and look at, you know, Robert Bork, for all his failings, would have been an exception to the rule, and if that's what hammered it down. And ever since then, people said, no, you've got to, you know, these narrow confines are what defined who gets on the Court.

Ted Kulongoski 1:21:46
No, I think what Bork's mistake was, I don't think it was his writings. It was his verbalization.

James Moore 1:21:52
Oh yeah, it was his attitude.

Ted Kulongoski 1:21:54
That's right. [Both laugh.]

James Moore 1:21:56
Came to be a wee, subservient. These guys get to decide.

Ted Kulongoski 1:21:59
Interesting guy. Very interesting.

James Moore 1:22:02
Yeah, absolutely.

Ted Kulongoski 1:22:04
Well, can I... have you got anything else?

James Moore 1:22:07
Um, there's some other things, but if they become really big...

Ted Kulongoski 1:22:13
Oh, let me know. Give me a call and we can sit down and do whatever you want.

James Moore 1:22:16
Yeah, okay, absolutely, good. There's not much on Vic and the tribes and so I may want to pick your brain on that.

Ted Kulongoski 1:22:25
Well, let me talk. You do know that he was the one that instituted, in '82, the sovereign process. He had the Indian gaming -- not the Indian gaming, the state commission for the tribes. And he that came out Vic, okay, and everybody else, it was, I think, in '82 he created the commission. And everything has been around it and then, but he established some traditions around that. What it meant, and it was like, every year there's a conference, and it's a sovereign to sovereign, and it's not tribal to state. It's sovereign to sovereign, and Vic was always very, very appreciative of the native people and what their role is in the development of history, and I think it was as much historical was it any obligation. It wasn't a paternalistic thing. I think he honestly believed that, in fact, they were the first order audience, and they actually have a right. They have a right. If we tell them something, we're going to do it. We put it in a contract, we adhere to it, right? And that's what he was always doing, was having these signing ceremonies with him, and it was his commitment to them, and I'll carry it through. And he did, and I have to tell you that now that you ask, Pi-Ume-Sha, is this big out on Warm Springs. And last year, before his death, he shows up and Dolores is with him. He drove out there, and I had told him time and time again, if you want to go anyplace, I'll drive you. Just let me... if you want to go, I did that to Barbara Roberts and we go together a lot, because she doesn't like to drive at night. But I told that guy, says you shouldn't be driving out. What was he, 91 at the time he came out there? And I thought to myself, in fact, I think that's where he fell out there. And it was... but it was him, yeah. And he loved his independence. He loved to joke. He loved to tell a story. And he just... do you ever realize, that's what Reagan did? They always gave you an answer in a story and [unintelligible] that.

James Moore 1:25:10
And often a very corny story, but yes.

Ted Kulongoski 1:25:14
Oh yeah, sometimes you'd say, what? I did! I'd sit there, saying why are you telling me this like this? [Kulongoski laughs.] But, he just, that's how his narrative was. Actually, [I'll just close it] the gentleman issue is how I saw him in the beginning, and it's how I saw him in the end. He was just a kind and gentle man. And it's about the best thing you can say for someone as we... looking back on him. He cared about people and he cared about his home. He was very, very proud to be an Oregonian, I can tell you that.

James Moore 1:25:49
Yeah, absolutely. Good. Thank you.