

June 19, 1991Hearing Room "C" 8:00 a.m. Tape 57

MEMBERS PRESENT:Sen. Glenn Otto, Chair Sen. Dick Springer,  
Vice-Chair Sen. Bill Bradbury Sen. John Brenneman Sen. Jim Bunn Sen.  
Scott Duff

MEMBERS EXCUSED:Sen. Mae Yih

STAFF PRESENT: Gail Ryder, Senior Committee Administrator John  
Houser, Committee Administrator Julie Muñiz, Committee Assistant

MEASURES CONSIDERED: HB 2001 - Relating to congressional  
redistricting

VERBATIM TRANSCRIPTION

TAPE 57, SIDE A

005 Chair Otto: Calls the meeting to order at 8:09 a.m.

(Tape 57, SIDE A)

WORK SESSION

HB 2001 - RELATING TO CONGRESSIONAL REDISTRICTING

Witnesses:Bob Goldstein

003 OTTO: "Please come to order. On our agenda today is HB 2001; do  
you want to explain it to us, John?"

009 BRENNEMAN: "I believe that Sen. Bradbury was going to make the  
explanations, Senator."

012 OTTO: "OK. Sen. Bradbury."

012 BRADBURY: "Mr. Chair, I guess the first appropriate motion would be  
to amend HB 2001 with the Congressional Plan that is displayed (OVERSIZE  
EXHIBIT A)---June 18th congressional displayed on the map. That would  
be, I think, the first appropriate motion."

015 OTTO: "OK. Sen. Bradbury makes a motion to amend the (HB ) 2001  
plan with the Congressional Plan shown (OVERSIZE EXHIBIT A)."

115 BRADBURY: "Mr. Chair, this is essentially the plan that we passed a  
number of months ago relating to Congress. The only changes are some in  
the Yamhill County, trying to increase the compactness of the districts,  
to make both the 1st and the 5th be more compact. There is some change  
in the Washington County area, just to also improve the compactness of  
the district. Those are really the only two changes from the plan that  
we have had long hearings on and a good deal of review of earlier this  
Session in terms of the Congressional Redistricting Plan."

031 OTTO: "OK. There any discussion?"

034 BUNN: "Mr. Chair, do we by any chance have the old map down here?"

037 OTTO: "I don't know if we do or not."

038 RYDER: "No, but we can certainly get it for you."

038 GENERAL COMMENTS, VIEWING OF MAPS...AT EASE.

079 OTTO: "We have a motion...do you want to repeat the motion?"

080 BRADBURY: "The motion, Mr. Chair, was to amend HB 2001 with the  
Congressional Redistricting Plan displayed on the wall there (OVERSIZE  
EXHIBIT A), there's (UNINTELLIGIBLE) Congressional, and well, that's the  
motion is to amend the bill."

087 MOTION: SEN. BRADBURY MOVES TO AMEND HB 2001 WITH THE CONGRESSIONAL  
REDISTRICTING PLAN DISPLAYED IN OVERSIZE EXHIBIT A.

087 OTTO: "Sen. Bradbury makes a motion to amend HB 2001 with the

display indicated in the maps (OVERSIZE EXHIBIT A) on the easel. Any discussion?"

089 BUNN: "Mr. Chair?"

089 OTTO: "Yes."

090 BUNN: "In the brief time that I've had to look at and try to understand what the plan does, it appears that it is less ... to communities of interest, so I'm going to support the amendment; I think the plan still has some major flaws."

094 OTTO: "OK, any other discussion? There any objections to the plan?"

095 BUNN: "To the amendment?"

095 OTTO: "Yeah, to the amendments. No objections, the amendments are approved."

098 BRADBURY: "Mr. Chair, I would move HB 2001 as amended to the floor with a do pass recommendation."

099 OTTO: "Sen. Bradbury moves HB 2001 as amended to the floor with a do pass recommendation. Discussion? Call the roll please."

103 VOTE: 4-2 MOTION CARRIED. VOTING NO: SEN. BRENNEMAN, SEN BUNN.  
EXCUSED: SEN. YIH.

109 OTTO: "Motion carried. Any other business to bring before the committee? Who would like to carry it?"

112 SPRINGER: "I'd be glad to carry it, Mr. Chair."

113 OTTO: "OK, Sen. Springer, you will carry it. You had some comments?"

117 BOB GOLDSTEIN: "I'd like to address the balance of the committee. This is Bob Goldstein, I have testified to this committee numerous times, as I have to the committees on the House side. I do have an alternative, in fact, I have two alternatives to what was adopted here today. And I believe I presented some of case at that time to this committee by saying that I would like to have had a map which I presented I believe to the staff. It is my intention, and I would like to advise this committee, that regardless of what happens in this process, there will be a court challenge federally, which was not done 10 years ago. I have been in touch with the Federal District Court on numerous occasions, and have received much information. I've also applied and asked for help from certain legal people. Three so far have indicated that they would be willing to help me pro bono. And I also have a few people from the Lewis & Clark Law School who would serve as research assistants in regard to jumping into case law as I have done, but only on the surface. I would like you to know that regardless whether the Democratic Plan or the Republican Plan is arrived at in conference committee, and I would hope there would be a conference committee, because I would like to short circuit the court situation if I could and see if that there could be something actually accomplished in the conference committee, and nobody really I believe has faith in that, and I think it can be done, and I would like to have the opportunity, for I once asked you, Chairman Otto, if I would have, when the conference committee came to pass, the opportunity to participate, and you indicated that I would. The only thing that has bothered me up to this point is the timing of all of this, and making it a crisis here late in the session when I do believe that the process itself did not serve the best interest of each and every citizen of the State of Oregon which I believe is the overall purpose in doing reapportionment ... that we do get the kind of representation that the people are entitled to, and the of course Constitution of the United States Article I Section 2 Clause 3 says that there are two reasons for counting the people. The first of course being representation, the second being the application of direct taxes. And using the word 'direct' I think that smelled a smell that spelled with a small 's' in taxes is capitalized in the Constitution. So in behalf of those people who have no comprehension at all, don't even know reapportionment or redistricting exists, there are 2,842,321 people who were counted in the census and regardless of what comes up by July 15th from the census bureau I believe that's what you'll have to work on because you have your own deadline here as far as the state legislature is concerned. I have

always been confused by how this body addresses the time line on Congressional Reapportionment matter as far as I can see. And I would like, if you could to clarify why you couldn't go beyond July 1 with the Congressional and come to some agreement, the conference committee...could everybody go home except the Legis...and be maybe, I don't know, no, you can't go home, I'm sorry, I was thinking of special session. But I...this has never happened before, no challenge was made 10 years ago and it should have been then because there were a great many more violations at that time, and no one challenged congressionally. Any other research I have done through looking at material that I arrived at from the State Library with the help of Craig Smith going back to congressional division of the state for congressional purposes; no violation of any county was encountered in the first one that came after the 1890 census in the first congressional reapportionment when the state became two; in 1911 when it became three again, there was no county line violated; it's a basic political boundary. The criteria that was adopted 10 or 12 years ago in '79 said something about areas of common interest, which was never defined to me properly either on the local level or on a statewide level. And many questions arose in my mind and became apparent to me that I was the only person, and why me, I don't know, but I was the only person who addressed that outside of the Legislature cause themselves and their staffs and people who had maybe some kind of an interest in that such as Congressmen. I have always believed that what was done 10 years ago was no good, and the reason is that there were violations of counties when there should not have been, or there had never been before, even when there were four Congressional districts created in '41. After the '40 census again, no county line was violated. So you have in those lists of things compact that equal out population, it would seem to me that common interest, I could not see the common interest of people who lived in southern Oregon in comparison to someone who lived in Molalla County. Or in Umatilla, for that matter. I saw also a provincialism being exhibited by Oregon in a congressional delegation where a Congressman who represented 1/5 that would happen to be Congressman Smith from Eastern Oregon, had no port on the Pacific Ocean; had no tie because of a geographical situation which sort of divides Curry County from Josephine, and the imp...there's no well going through, I'm aware of that. I was helped by those people who have Secretary of State's properties right here there's an office and I went in and the fellow by the name of Smith over there gave me a book called 'Oregon Divided' which I carry with me in my case and refer to as often as I can. In my deliberations I determined that the whole process is faulted, and if no one else will raise the voice, I must, and I have no battle against any particular individual here for you are placed in that position, but I don't think anyone ever addressed this before. I don't believe that since Baker vs. Carr in '62 there have not been enough cases to cover this particular matter. Certainly I don't believe any Oregon federal case was ever addressed prior. By the way, if I may make a question there, Clay Myers was involved for a number of years, I have spoken with him, I've read his articles in the Oregonian, he's been very courteous to me ever since 1979, first time I ever came down here searching for something to address that was worthy of my life and my time. So since '79 I have been the only advocate on reapportionment and redistricting and the definition there is something that has always bothered my too, for I believe even the federal government does not use the proper terminology; redistricting really should be, if I may make the suggestion for your consideration, when you change the number of districts up or down, you redistrict, otherwise all is reapportionment unless, not unless, but even when it is a radical reapportionment. So you will go through, as you should, those things that this committee has decided to do. I took, I believe, offense as a citizen when HB 2001 was stuffed into 1000. And I feel that we lost a month's worth of time because a great deal of consternation in the office staff, and I know they have worked diligently because I have been in 347 and 350 so many times, and I congratulate you and commend you on the amount of work you and John and the rest of the staff and the technicians, and I've been treated properly, and I have worked with every technician that's been there, and I have addressed only Congressional. I will not get into the morass or that cesspool that I got into 10 years ago when I misdirected myself because of ignorance; I originally saw that the five congressional districts divided the people of Oregon rather than united them with purpose in Congress, and I see divisions, and that's not good. I believe that something should be done here..."

260 OTTO: "Bob, we have Sen. Springer and others that are going to have to go to other meetings..."

261 GOLDSTEIN: "I apologize for that, but I believe that after the

thousands of hours and the trips that I've made and all of that that this should be stated on the record that there will be a court case, because you do divide in either plan that was presented counties unnecessarily. And that was done 10 years ago, I just...it's an improvement, I'll give you that, but I try to make a case that county lines are important boundaries and never before '81 to my knowledge has there been a violation of any county when there...now it must be done. Thank you sir, for the opportunity."

271 OTTO: "We are adjourned."

Meeting adjourned at 8:28 a.m.

Verbatim Transcription By:

Linda K. Waters  
Assistant

Reviewed By:

Gail Ryder  
Senior Administrator

EXHIBIT LOG

A - Oversize exhibits entitled "June 18 Congressional", 2 maps, Bradbury, 2 pgs.