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Protecting Oregon Beaches Web Exhibit



Horseback riders on the beach at Nehalem Bay State Park. (Oregon State Archives Photo)

About the Exhibit



Over a century ago, two events helped to shape our extraordinary public access to Oregon beaches: The legislature made all Oregon tidelands a public highway and future governor Tom McCall, a key figure in a later effort to protect public access, was born. Now, explore some of the many public uses of the state's beaches over the decades and efforts to protect them from privatization.

Protecting Oregon Beaches Web Exhibit

Exhibit Introduction

1913—2013: The Centennial of an Important Year for Oregon Beaches

Oregon has a long history of public beaches. But that history has seen challenges that threatened to privatize and fence off the beaches in ways all too familiar to Californians and residents of other coastal states.



Over one hundred years ago, an Oregon governor, Oswald West, engineered the first major protection of public access to the state's beaches, by cleverly convincing the 1913 legislature to declare all Oregon tidelands to be a state highway. That same year saw the birth of Tom McCall, who would later become governor and take up the first significant challenge to the 1913 law.

Traditional Uses of Oregon Beaches

For centuries Native Americans regularly used the beaches for transportation, food gathering and other communal activities before the arrival of white settlers in the 1800s. The new inhabitants found that headlands and other geographic obstacles made road building difficult. This naturally attracted wagon traffic to the wide, flat beaches for much of the north-south transportation. The Oregon Legislature recognized this practice in 1899 when it mandated that the shore between low and high tides in Clatsop County would forever be a public highway.



Meanwhile, the State Land Board was selling tidelands to private upland owners—totaling about 23 miles by 1901. Seeing the threat to public use if this trend toward private ownership continued, Governor West successfully urged passage of a 1913 bill that declared the entire Oregon shore from low to high tides to be a public highway. West later recalled that his "bright idea" was to remind legislators that "thus we would come into miles and miles of highway without cost to the taxpayer." This creative solution worked for over 50 years, even as the legislature changed the designation from "highway" to "recreation area" in 1947.

Governor Oswald West helped enact the first major defense of public access to beaches.
(Oregon State Archives Photo)

A New Public Access Challenge

Another threat came in 1966 when Bill Hay, the owner of the Surfsand Motel in Cannon Beach, instructed his "cabana boys" and other employees to tell beachgoers who were not staying at the motel to leave a stretch of the dry sand "private beach" in front of the motel. This rectangular area was separated from the rest of the beach by a perimeter of logs placed by motel staff. Inside the perimeter, motel guests

were invited to enjoy the provided cabanas and tables free from the trash and other undesirable aspects of the open beach. Others were expected to respect a sign that read: "Surfsand Guests Only."

The effort soon drew a public complaint to the Oregon Highway Department, which sent an investigator who confirmed the report. Legal analysis by the state determined that Hay's move had exposed a flaw in the 1913 bill, which technically protected only the wet sands.

The Fight for the Beach Bill

The Highway Department aimed to fix the loophole with House Bill 1601 in the 1967 legislature. Dubbed the "Beach Bill," it languished and nearly died in committee before the efforts of concerned citizens and State Representative Sidney Bazett revived it and helped it gather momentum. But supporters would face an extended political drama, replete with backroom power plays and staunch opposition by coastal legislators. Many argued that the bill would be an assault on property rights and would be unenforceably vague. Supporters also faced significant resistance from legislative leaders, including powerful House Speaker Monte Montgomery.

Seeking to break the stalemate, an impatient Governor Tom McCall hitched a ride in a helicopter between two beaches with the media watching. McCall, a longtime journalist with a gift for public relations, used the opportunity to make his case directly to the people of Oregon. He purposely planned the trip on a Saturday to assure the largest audience of readers in the Sunday newspapers.

McCall had surveyors pound stakes in the sand to show Oregonians the stark boundary line choices in competing proposals to define public beaches. The media gleefully covered the event and the public quickly and loudly supported McCall's position. The opposition in the legislature ran for cover and the bill passed easily.



Beachgoers in many coastal states are unwelcome on stretches of beach.



The final bill as signed into law declared all wet sand lying within 16 vertical feet of the low tide line to be the property of the state. Moreover, it recognized public easements of all beach areas up to the line of vegetation. The law required that property owners seek state permits for building and other uses of the ocean shore and it declared that the public would have free and uninterrupted use of the beaches.

A sticker used by the Beaches Forever campaign to gather enough signatures to put their beach initiative on the ballot in 1968. The resulting Measure 6

fell to a well-financed opposition campaign in the November election. (Western Oregon University Archives, Robert W. Straub Collection)

Seeking Further Protections

Still, House Bill 1601 relied on zoning laws to protect the beaches and many people, including State Treasurer Bob Straub, wanted more solid protections. He and a citizens' group, Beaches Forever, Inc., pushed initiative Measure 6 in 1968 proposing a temporary one-cent-a-gallon gas tax for the state to purchase outright the dry sand beaches.

After leading in the polls, the measure lost to a well-financed, professional anti-gas tax campaign that raised taxpayer doubts about the initiative with a catchy slogan: "Beware the tricks in No. 6."

The Legacy of Public Access

Today, some stretches of beach remain privately owned—vestiges of the State Land Board actions over a century ago. However, state and federal courts upheld Oregon's right to use zoning laws to regulate development of those lands. In the end, concerted efforts by citizen activists, school children, and political leaders protected public access to some of the most beautiful beaches in the world.

Filmmaker Tom Olsen Jr. noted: "In retrospect we have to be very thankful for Bill Hay—for if he hadn't exposed this loophole—and this issue wasn't addressed until the 1970s or 1980s—there wouldn't have ever been a politically appropriate climate to pass a 'Beach Bill.'"

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Siletz Indians pose on Nye Beach. The ocean, tidelands and forests sustained rich tribal cultures all along the Oregon Coast before white settlement. (Lincoln County Historical Society, LCHS #1867)

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An engraving of four Native Americans at Yaquina Bay on the central Oregon Coast. The image was published in an 1878 book. (Library of Congress)

Titled "Rock Oyster Queen," this photograph shows a Native American woman, Annie Ditallo, gathering oysters at Newport circa 1900. The sledgehammer and pry bar were used to extract the oysters, which were then carried in the traditional basket on her back. (Lincoln County Historical Society, LCHS #1195)

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HOTEL GEARHART By-the-Sea. Gearhart Park, Oregon

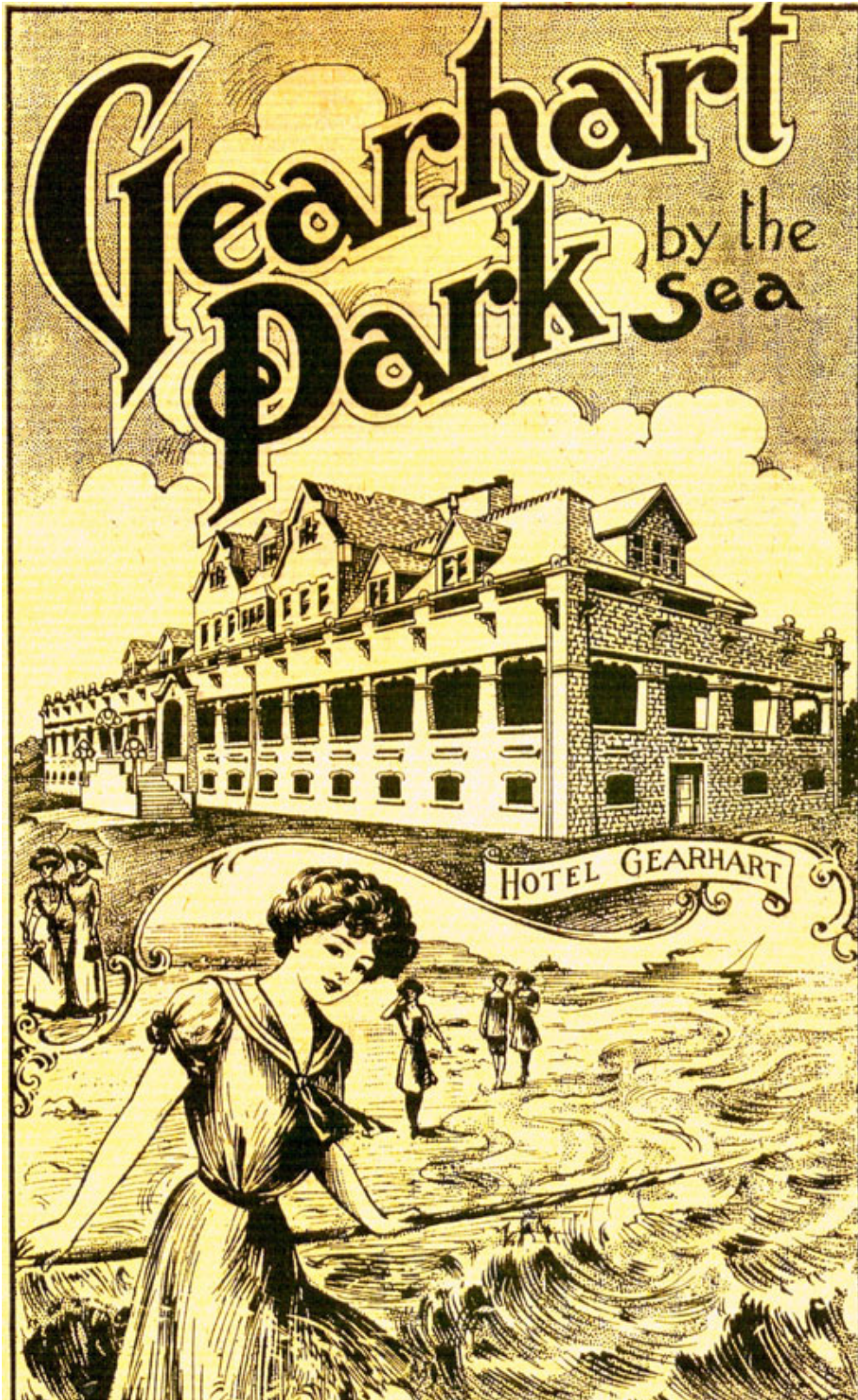


SURF BATHING ON GEARHART BEACH

A vintage illustration boasts that the “steam heated” Hotel Gearhart features “surf bathing” on the beach.
(PDXHistory.com)

An early advertisement for Gearhart Park by the Sea. The Hotel Gearhart, built in 1890, was a popular retreat for wealthy Portlanders who, by 1898, could travel completely by train from home to resort. (PDXHistory.com)

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Stagecoaches and a wagon on the beach circa 1910. The Beach Stage Line ran from Marshfield, now Coos Bay, inland to Drain. (Coos Historical & Maritime Museum, CHMM 992-8-0017)

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A narrow gauge, private railroad on the beach at Bayocean, near Tillamook, carried building supplies such as concrete and lumber for the construction of various buildings at the real estate development. The portable tracks could be moved depending on need. Shown above is a group of potential buyers or investors in 1910. (PDXHistory.com)

Bayocean

By 1914, more than 600 lots had been sold. Visitors found a luxury hotel, natatorium, dance pavilion, and a movie theater designed to accommodate 1000 people. But over the years, the development began to succumb to erosion, an common peril of beachfront property. The natatorium closed in 1932 followed by other buildings over the years. Some residents stayed but the last house washed into the ocean in 1960, a sad end to the high hopes of real estate promoters. In 1906 they had claimed that Bayocean would be known as the "Queen of Oregon Resorts." Instead, it became known as "the town that fell into the sea."

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A composite photograph appears to show a man and a woman flying over Newport's Nye Beach in 1911. (PDXHistory.com)

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The Bayocean Natatorium was built on the edge of the sand in 1914. It was part of a larger, ill-fated resort community that the town founder hoped would become the “Atlantic City of the West.” (PDXHistory.com)

A wagon climbs the road at Hug Point circa 1915. The roadbed was cut into the rock so that wagons could avoid the beach surf at the edge of Hug Point. (OSU Libraries, Special Collections & Archives)

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A car bearing military officers drives down the Gearhart beach during a review of troops circa 1914. (Library of Congress)

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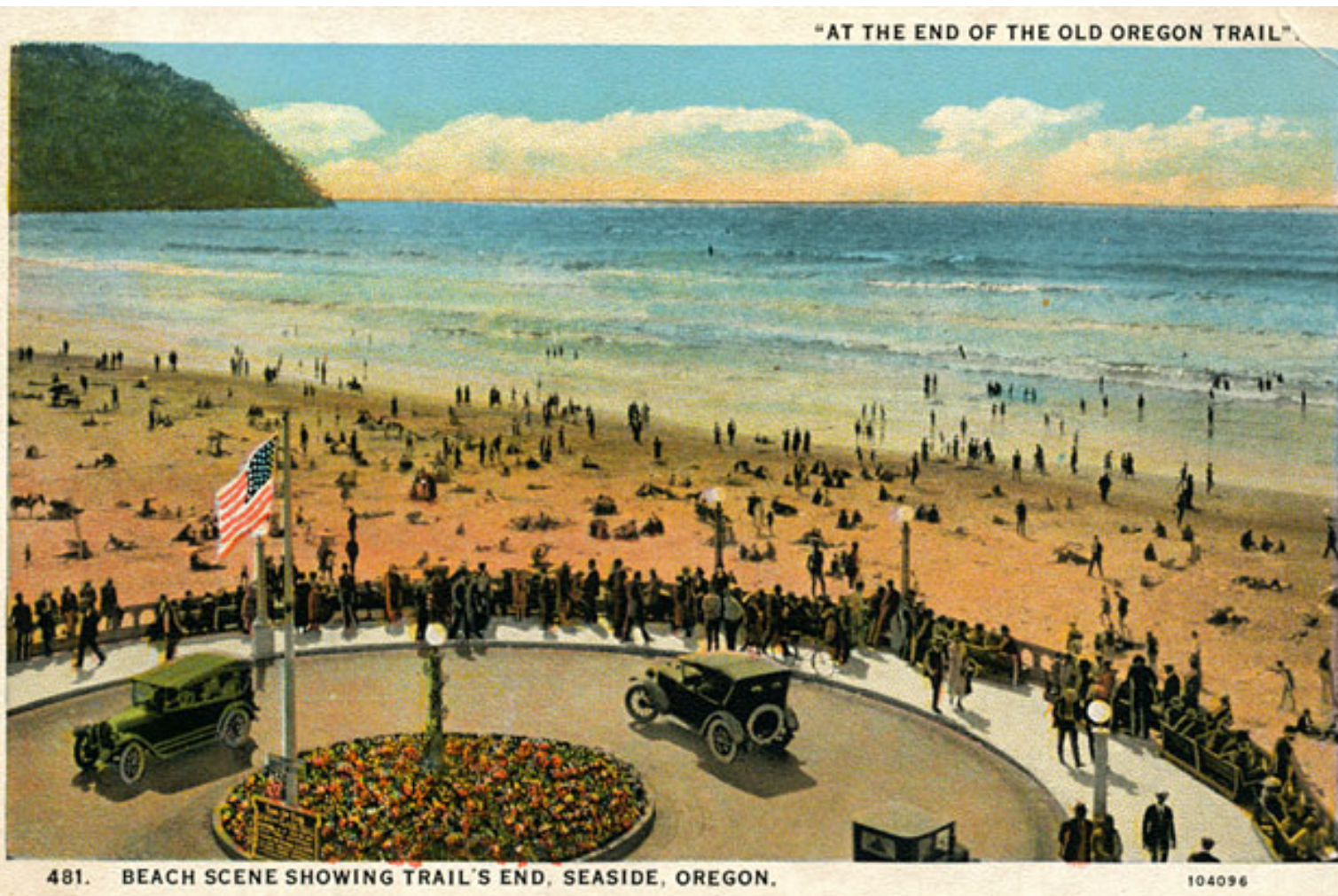


Model T Fords sit on the beach in Coos County circa 1915. The ubiquitous Model Ts led the transition from horse-drawn traffic to automobiles. (Coos Historical & Maritime Museum, CHMM 992-8-0025)

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The Seaside Turnaround at the edge of the beach, shown here in a vintage postcard, has long been a popular place to mingle. (PDXHistory.com)

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A circa late-1920s truck carries a giant old-growth log near a Coos County beach. (Coos Historical & Maritime Museum, CHMM 978-1.8)

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A late-1920s postcard shows the Seaside Promenade on the edge of the beach near Trail's End. (PDXHistory.com)

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Boys perch atop an old car badly stuck in the surf on Nye Beach. Getting trapped in the sand by the tide has been a common peril of beach travel. (Lincoln County Historical Society, LCHS #32)

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Young people enjoy an evening around a fire on the beach at Seaside in 1938. Generations of Oregonians have cherished memories of similar moments on the beach with family and friends. State and federal parks and campgrounds adjacent to beaches enhance affordable public access. (Oregon State Archives Photo)

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HUG POINT, CANNON BEACH.

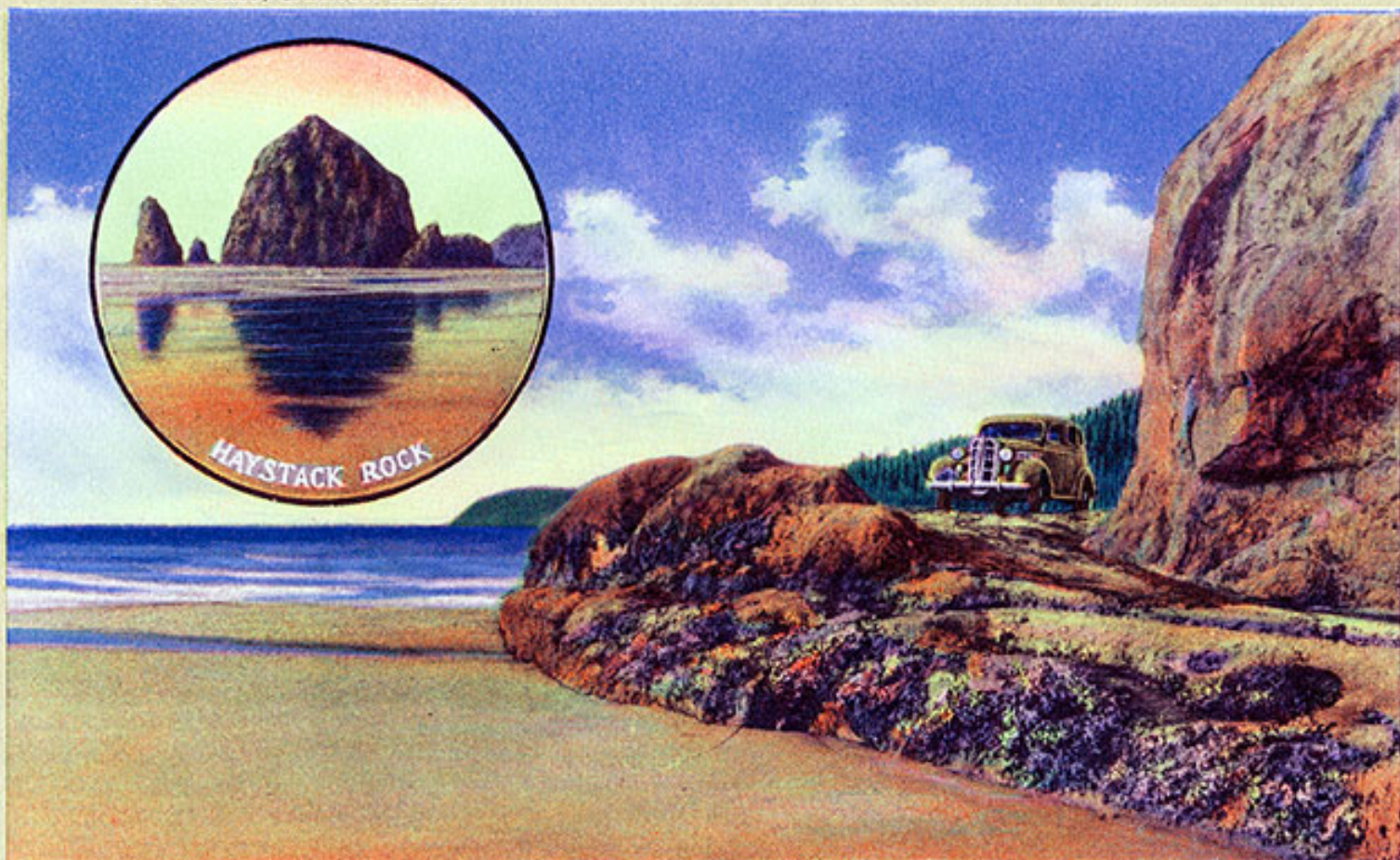


PHOTO BY WESLEY ANDREWS

A 1930s postcard shows a car rounding the bend at Hug Point with Haystack Rock in the inset. (PDXHistory.com)

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A young woman on a bicycle talks with two young women riding horses on the beach at Cannon Beach in 1939. By then, the entire Oregon Coast Highway (U.S. Highway 101) had been completed and the transportation rationale for public beaches had dwindled. Eight years later, the legislature recognized this evolution by changing the designation from “highway” to “recreation area.” (Oregon State Archives Photo)

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Young people drive down the beach in a Chevrolet at Haystack Rock in 1940. (Oregon State Archives Photo)

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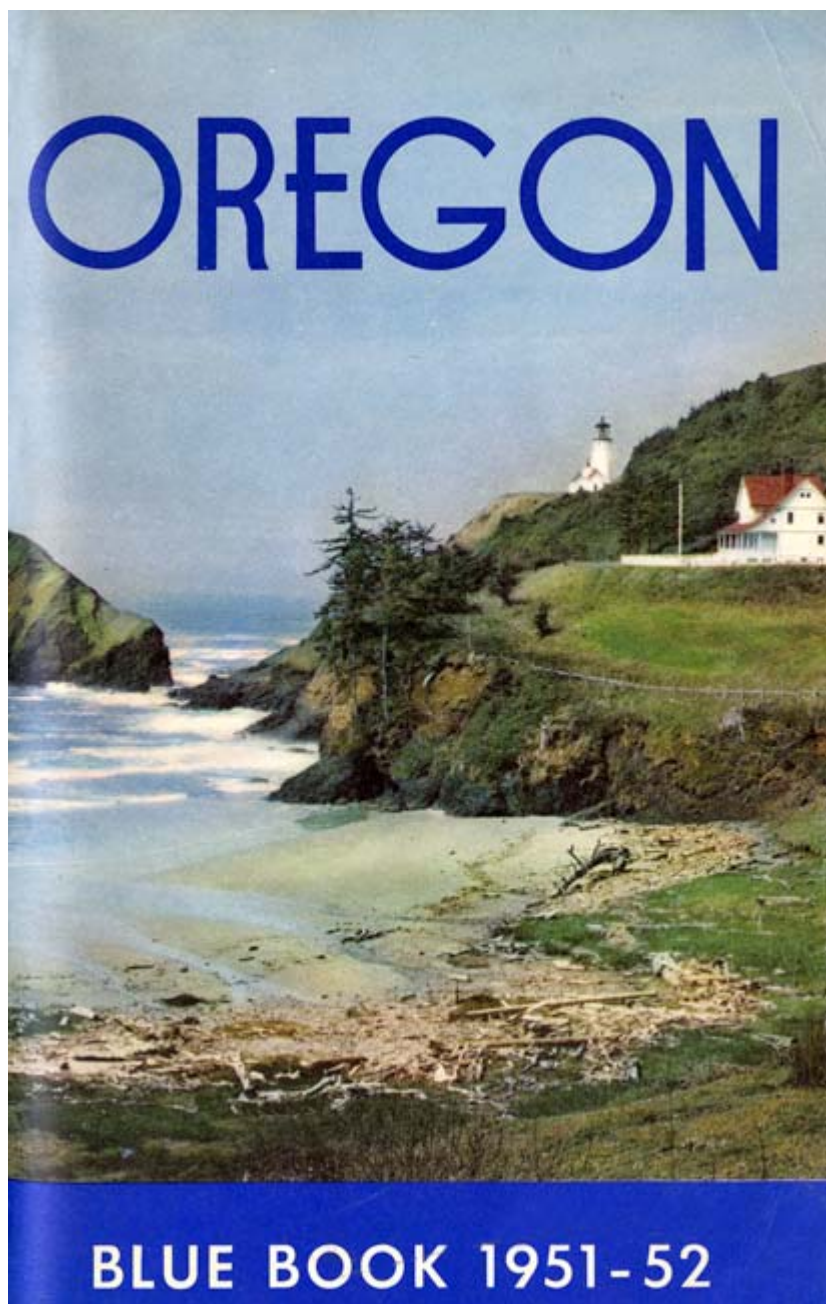


Children watch the waves at a beach near Bandon in 1946. (Oregon State Archives Photo)

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The 1951-1952 Oregon Blue Book cover. A colored photo by the Oregon State Highway Commission of Heceta Head with a small beach in the foreground. (Oregon State Archives Image)

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Young people with a British MG sports car and scooters on the beach at Cannon Beach in 1958. (Oregon State Archives Photo)

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Fishermen use a Willys Jeep to pull a boat onto the beach at Cape Kiwanda in 1958. The man to the right is holding two salmon. (Oregon State Archives Photo)

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The wreck of the steel sailing ship "Peter Iredale," which beached in 1906 at the present location of Fort Stevens State Park. This postcard from circa 1960 shows more of the wreck existing than present-day. (Tacoma Public Library)

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State Treasurer Bob Straub's daughters and son play together with mother Pat on the beach near Pacific City in 1966. (Western Oregon University Archives, Robert W. Straub Collection)

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Republican Governor Tom McCall (left) and Democratic State Treasurer Bob Straub were often political rivals but agreed on the need to protect public access to Oregon beaches. Both were leading figures in the effort. (Oregon Historical Society)

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Governor Tom McCall (center) with Dr. Herbert F. Frolander, Professor of Oceanography and Marine Biology at Oregon State University (at left) stand next to a survey stake on the beach at Rockaway during a 1967 trip to tout his method of determining the legal boundary between public and private ownership. (Oregon Historical Society)

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Governor Tom McCall peers through survey equipment on the beach at Rockaway in 1967 as part of his effort to highlight the public access risks if the version of the Beach Bill he favored did not pass. State Representative Sidney Bazett (left) was a key ally in passing the bill. Oregon State University engineer, Robert Schultz (center) helped with the formula to determine the public right of way. The media extensively covered the event and the resulting public response helped pass the Beach Bill. (Oregon Historical Society)

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Governor Tom McCall looks at Cannon Beach's Surfsand Motel in 1967. The owner, Bill Hay, wanted this beach area for the use of motel guests only. He set up a log perimeter and instructed his "Cabana Boys" and other employees to tell people who were not staying at the motel to leave the "private beach." The action exposed a loophole in existing state law and sparked a legislative conflict about public access to beaches. The Beach Bill was the product of the debate that pitted proponents of property rights against those favoring more public access protections. (Oregon Historical Society)

About the Bill

The final bill as signed into law declared all wet sand lying within 16 vertical feet of the low tide line to be the property of the state. Moreover, it recognized public easements of all beach areas up to the line of vegetation. The law required that property owners seek state permits for building and other uses of the ocean shore and it declared that the public would have free and uninterrupted use of the beaches.

At the bill signing, McCall honored former Governor Oswald West, author of the 1913 bill declaring all state beaches to be a public highway, thus maintaining public access. He quoted West on protecting the state's beaches: "No local selfish interest should be permitted, through politics or otherwise, to destroy or even impair this great birthright of our people."

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State Treasurer Bob Straub (right) walks along the beach near the wreck of the Peter Iredale with U.S. Senator Robert Kennedy and his wife, Ethel, in May 1968. Kennedy was contending for the Democratic Party presidential nomination. A crowd of people followed the group on the beach and the media gave the visit extensive coverage. Shortly after this visit, Kennedy was assassinated in Los Angeles. (Western Oregon University Archives, Robert W. Straub Collection)

Strengthening Protections

The spring of 1968 was a busy time for Straub in his efforts to protect public access to Oregon beaches. After the passage of the Beach Bill in 1967, doubts lingered about whether it would withstand legal challenges related to property rights and other issues. Looking for more solid protections, Straub and the Beaches Forever citizens' group teamed up to attempt to put a measure on the ballot in 1968. The measure authorized a temporary gas tax to buy privately-owned beach land. Advocates mounted a strong grassroots campaign and gathered enough signatures to get Measure 6 on the November ballot.

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An aerial view of the Nestucca Spit and the mouth of the Nestucca River near Pacific City in 1966. (Western Oregon University Archives, Robert W. Straub Collection)

Nestucca Spit

While great attention was paid to the passage of the Beach Bill in 1967, questions about the fate of Nestucca Spit had been percolating since 1965. The Oregon Highway Commission, and its powerful chairman, Glenn Jackson, sought to reroute U.S. Highway 101 along the spit of sand as part of a larger effort to straighten and widen many stretches of the highway—both for safety and to enhance public access. The plan met resistance from property owners and environmentalists but was approved in 1965. Opponents, including Bob Straub, contended that, among other things, it would ruin a long stretch of unspoiled beach.

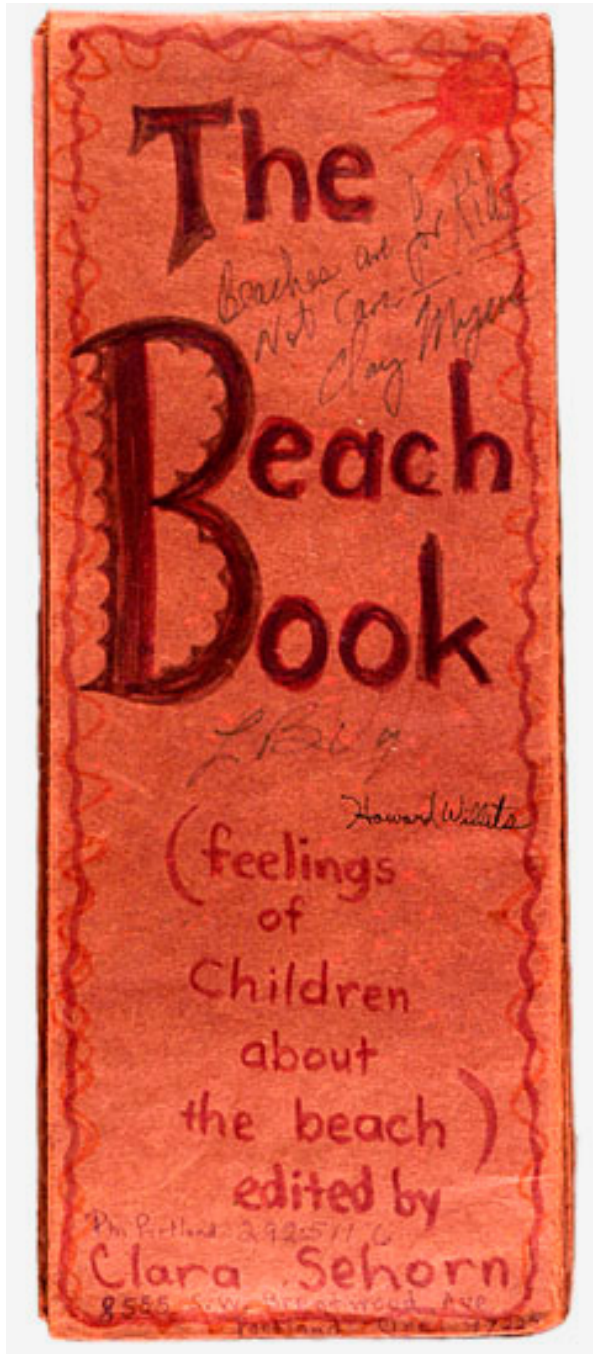
Straub highlighted his opposition to the highway plan during his losing 1966 campaign for governor against Tom McCall, a supporter. With McCall in the governor's office, it appeared as if the plan would move forward, but Straub kept fighting. Part of the route passed through land that had been granted to the state by the federal Bureau of Land Management (BLM) on the condition that it would remain in a natural state.

The state had petitioned the BLM to allow the highway anyway, but Straub went to Washington, D.C. and personally prevailed on Secretary of the Interior, Stewart Udall, to deny the request. McCall dropped his support for the plan but Glenn Jackson made another effort, this time to route the highway around the former BLM land on the spit. However, Straub kept up the pressure and the proposal officially died in early 1968.

A 1000-member group called the Committee to Save the Beaches had formed in 1965 to oppose the highway plan. This group later evolved into Beaches Forever, Inc., which spearheaded the broader Measure 6 campaign in 1968 to help protect all Oregon beaches.

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The cover of the Beach Book, a 1968 collection of student drawings about the beach. (Western Oregon University Archives, Robert W. Straub Collection)

Learn more about the Beach Book and related resources: Robert W. Straub Oregon Beaches Digital Collection (<https://digitalcommons.wou.edu/straub/>)

Students Mobilize

Clara Barefoot-Sehorn, a grade school teacher in the Portland area, supported the Measure 6 effort and mobilized her students to share their feelings about the beach through their drawings. She then presented the Beach Book shown here to Bob Straub. Among other signers, Secretary of State Clay Myers signed it with the message: "Beaches are for kids, not cars."

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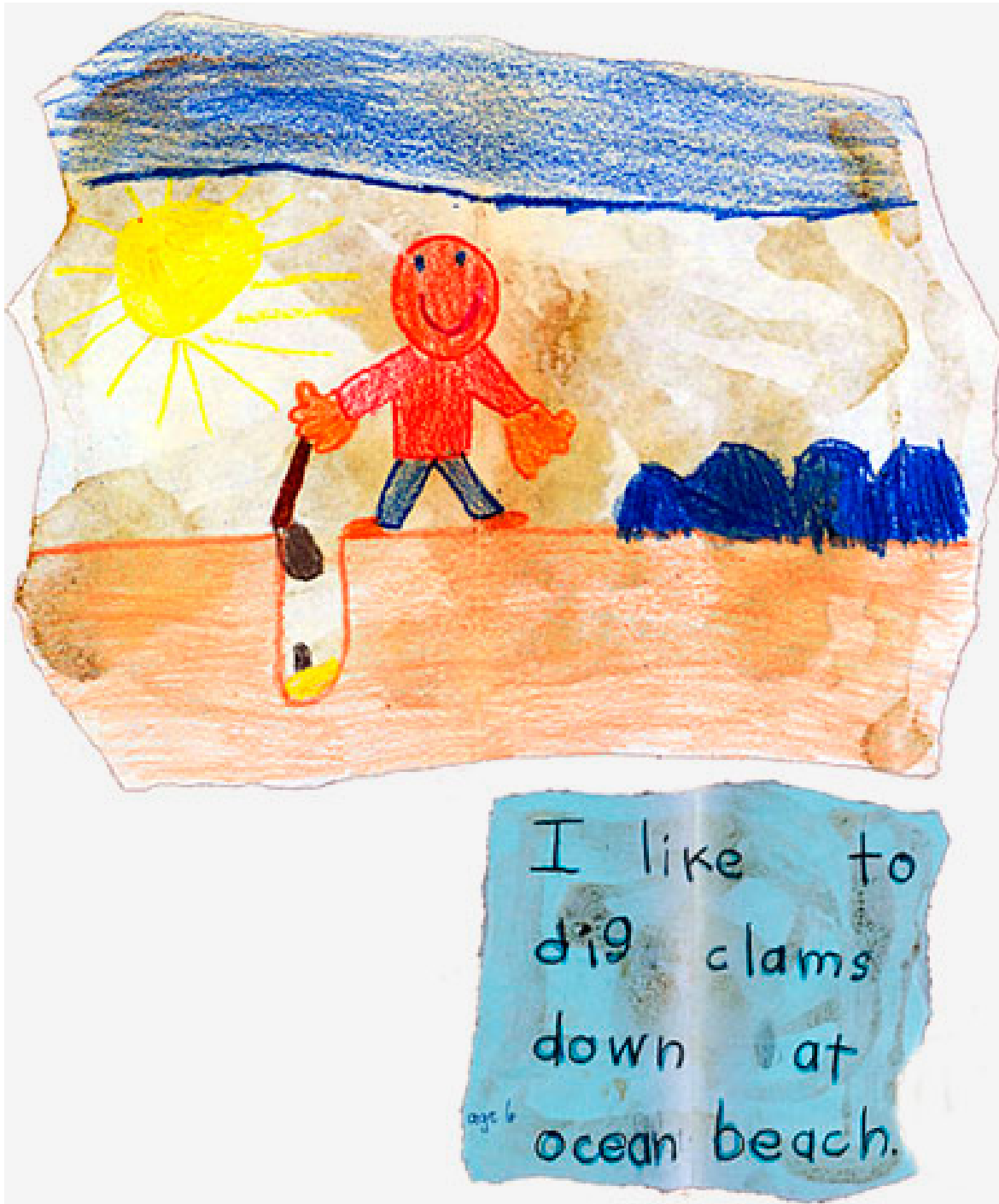
A drawing by six-year-old Cinda that was made part of the Beach Book, a 1968 collection of student drawings about Oregon beaches. The book was compiled by her teacher, Clara Barefoot-Sehorn, a supporter of Measure 6, and given to Bob Straub. (Western Oregon University Archives, Robert W. Straub Collection)

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Another drawing, this one by six-year-old Louis, that was made part of the Beach Book, a 1968 collection of student drawings about Oregon beaches. The book was compiled by his teacher, Clara Barefoot-Sehorn, a supporter of Measure 6, and given to Bob Straub. (Western Oregon University Archives, Robert W. Straub Collection)

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“Mini-Marchers” on the beach at a Cannon Beach to show support for Measure 6 in 1968. The event drew more than 200 supporters. (Oregon Historical Society)

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Meradel Gale, a volunteer with Beaches Forever, drew this cartoon during the 1968 campaign in favor of Measure 6. The image was shown on flyers that the group distributed. (Western Oregon University Archives, Robert W. Straub Collection)

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Bob Straub exhorts supporters at a Yes on Measure 6 rally on the beach at Cannon Beach in 1968. (*The Oregonian*)

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Children were a key part of the campaign by supporters of Measure 6 in 1968. (*The Oregonian*)

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Mrs. Richard Frost (left), Bob Straub, and Janet McLellan speak to a rally of supporters of Measure 6 from atop a van on the beach at Cannon Beach in 1968. (*The Oregonian*)

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Bob Straub and his wife, Pat, at the state park in Pacific City named in his honor. (Western Oregon University Archives, Robert W. Straub Collection)

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End of Exhibit



The Tom McCall portrait in the Oregon State Capitol by Henk Pander includes Beach Bill symbols. (Oregon State Archives Photo)

Learn More

Politics of Sand (<https://vimeo.com/album/2312981>)

This 2-hour documentary history video about Oregon's beaches focuses on efforts to keep the Oregon coast accessible to the public. Directed by Tom Olsen and produced by the Cannon Beach History Center and Museum and Anchor Pictures, the video features archival footage and interviews with many of the history makers.