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# Oregon Secretary of State

From the Desk of  
**Senator Brian Boquist**

## Forging the Oregon Constitutional Amendment Process

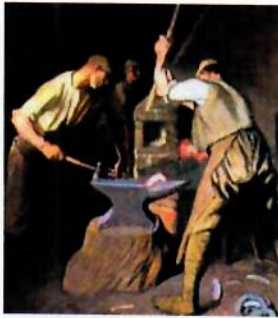
By the 1880s, an increasing number of Oregonians looked for a way to reform the political system so it would "defend a citizen's rights against injustice by powerful corporations." [Footnote 1](#) Rising from Grangerism and steeped in populism, advocates decried the often secret and corrupt government that seemed uninterested in the will of the people. After casting about for effective reform methods, many people settled on the idea of "direct legislation," through a system of initiative and referendum. The effort proved to be a central aspect of the growing progressive movement that put its faith in reason and morality to elevate the political system and correct the worst conditions in the economic and social environment. In the process, the new "Oregon System" made history when voters cast their ballots on the first initiatives ever in a state election.



William U'Ren worked tirelessly to bring direct legislation to Oregon.

### "Referendum U'Ren" Forges a Tool

The reformers had their work cut out for them. The Oregon Constitution had not been amended in the decades since the 1857 constitutional convention and provisions to do so were politically daunting. But they had an advantage in the person of a Wisconsin blacksmith and lawyer who moved to Oregon in 1889. Attorney William U'Ren, a quiet, contemplative man, was nevertheless determined to change public participation in Oregon government. He found his calling in the ideas of James W. Sullivan, author of the 1892 book entitled *Direct Legislation by the Citizenship Through the Initiative and Referendum*. U'Ren later commented on his new reform work from the unique perspective of his old trade:



Blacksmithing. (Image courtesy dderrick.typepad.com)

Blacksmithing was my trade and it has always given color to my view of things. I wanted to fix the evils in the conditions of life. I couldn't. There were no tools. We had tools to do almost anything with in the blacksmith shop; wonderful tools. So in other trades, arts and professions...in everything but government.

In government, the common trade of all men and the basis of social life, men worked still with the old tools, with old laws, with institutions and charters which hindered progress more than helped. Men suffered from this. There were lawyers enough, many of our ablest men were lawyers. Why didn't some of them invent legislative implements to help people govern themselves: Why had we no tool makers for democracy? [Footnote 2](#)

The political system of 1890s Oregon was inhospitable for a reformer to attempt to forge the tools of direct legislation. But U'Ren managed to get elected to the legislature as a member of the Populist Party in 1897 and resolved that, no matter how distasteful, he would co-opt the rules of the existing system to bring about change. When he was warned that all of his wheeling and dealing might send him to purgatory, U'Ren retorted: "I'd go to hell for the people of Oregon!" At another point, he underscored his determination and maintained the dark metaphor by proclaiming that

**"I am going to get the Initiative and Referendum in Oregon if it costs me my soul." [Footnote 3](#)**

### The "Holdup of '97"

U'ren shrewdly exploited divisions within Oregon's dominant Republican Party machine. He first tried to make a deal with Oregon's powerful Republican U.S. Senator John Mitchell to deliver the 13 Populist Party votes in the legislature to Mitchell's reelection bid (until 1906 the legislature rather than the voters elected U.S. senators). When Mitchell confidently backed out of the deal, U'Ren turned to Mitchell's former ally and new Republican opponent, Representative Jonathan Bourne for an alliance. In what became known as the "Holdup of '97," U'Ren, Bourne and others forged a coalition that blocked the Oregon House of Representatives from meeting because of lack of a quorum. Bourne got what he wanted when Mitchell was denied reelection (the

seat in Congress was vacant for a year and half). U'Ren then toned down some of his more radical rhetoric and reached out to more mainstream elements, thereby gaining first passage of the initiative and referendum process in the 1899 legislature. [Footnote 4](#)



Jonathan Bourne allied with U'Ren against Mitchell's allies to block a quorum and prevent the 1897 Oregon House of Representatives from meeting.

He still had one more legislative hurdle since under the Oregon Constitution, amendments had to be passed by two consecutive legislatures. By the next session, the politics had shifted even more in his favor as the progressive movement was gaining strength. The 1901 legislature passed the amendment with only one dissenting vote and the next year the voters ratified it by an 11 to 1 margin, 62,024 to 5,668. [Footnote 5](#)



Oregon's U.S. Senator John Hipple Mitchell was politically outmaneuvered in the "Holdup of '97."

## The Oregon System of Direct Legislation

The system voters approved made it much easier to amend the constitution. Functionally, the initiative allowed petitioners to *initiate* legislation directly to a vote of the people while the referendum allowed petitioners to *refer* a newly enacted law from the legislature to the voters for final approval. Initiatives could address either constitutional or statutory provisions. The number of signatures required to qualify an initiative to the ballot was based on the number of the votes cast for justice of the Supreme Court. It was set at 8% for both constitutional amendments and statutory enactments. The number of signatures required to qualify a referendum to the ballot was set at 5%. In 1954, the people amended the Oregon Constitution to increase to 10% the number of signatures required for a constitutional amendment. [Footnote 6](#)

## Current System

The current requirements were established by a vote of the people in 1968. To place an initiative or referendum on the ballot, supporters must obtain a specified number of signatures from registered voters. The number required is determined by a fixed percentage of the votes cast for all candidates for governor at the general election preceding the filing of the petition. In the 2014 general election, 1,381,772 votes were cast for governor.

Referendum petitions require 4%, or 58,789 signatures.

Initiative petitions for statutory enactments require 6%, or 88,184 signatures.

Initiative petitions for constitutional amendments require 8%, or 117,578 signatures. [Footnote 7](#)

## U'Ren's Legacy

For the first time since its creation in 1857, the Oregon Constitution was amended with the 1902 vote on initiative and referendum. This opened the floodgates to additional progressive legislation in the next 10 years including the direct primary in 1904, the direct election of U.S. senators in 1906, the recall of public officials in 1908, the presidential preference primary in 1910 and woman's suffrage in 1912. By continuing to exercise U'Ren's legacy of direct legislation, Oregon voters made direct and significant impact on the actions of the legislature and state government. [Footnote 8](#)



U'Ren's efforts dovetailed with other Progressive Era reforms, such as the creation of the *Oregon Blue Book*, which was designed to help inform the public about government.

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## Notes

David Peterson Del Mar, *Oregon's Promise: An Interpretive History* (Corvallis, Oregon: Oregon State University Press, 2003) 128.

David D. Schmidt, *Citizen Lawmakers: The Ballot Initiative Revolution* (Philadelphia: Temple University Press, 1989) 262.