

EDITORIAL

Selling a Lie

Measure 49, perhaps the biggest threat to your property values in Oregon history, may well be the most dishonest ballot measure ever perpetrated on Oregon voters, and we'll have no one but a complicit press, power-grabbing bureaucrats and ourselves to blame.

Let's be clear right up front:

1. Measure 37, passed in 2004, has never been implemented. So how do Measure 49 proponents know it doesn't work? Not one house has been built; not one acre has been developed.
2. Wild claims about huge subdivisions and ruined farmland are hypothetical scare tactics, nothing more.
3. Twice voters have approved land use reform at the ballot. Measure 49 undoes the will of the people; it does not "fix" it.
4. The ballot title does not describe the measure accurately; it was "spun" to win voter approval. Literally, the Oregon Legislature by-passed the legally required ballot title process, which provides for review by the Oregon Supreme Court to insure accuracy and freedom from bias, and instead allowed the political consultants for the "Yes" campaign to write the official ballot title (the words you see on your official ballot when you vote).
5. The measure and the title were written behind closed doors without bipartisan input and without the usual public input for Oregon ballot measures.
6. The campaign and the official ballot title are a calculated effort to misrepresent what the measure will actually do — which is to allow government to take private property without compensation. Legislators knew voters would not vote for Measure 49, if it was described honestly, so they cheated.

Where is the press? Where are the *Oregonian's* political advertisement hit men to expose this measure and expose this campaign? Writers like Steve Duin circle like vultures over politicians' races looking for the slightest trace of dishonesty to expose, but they allow the public to be snookered by this ballot measure travesty.

The media looked the other way while the Legislature allowed special interest groups to craft an official ballot title in which every line has been polled and every word carefully chosen to push voters' buttons for Measure 49. The media turned their heads when the Legislature shielded their ballot title from review by the Oregon Supreme Court. Why? Because the Court's role is to insure that official ballot titles are honest and neutral.

Think about it. Why would the Legislature have exempted their Measure 49 ballot title from court review, if it was honest and unbiased?

The Measure 49 official ballot title is a campaign slogan for the "Yes" campaign. The ballot title talks about farmland, groundwater and subdivisions and never even hints at the

massive new powers Measure 49 grants to government to take private property without fairly compensating property owners.

Where is the exposé about the enormous amount of money flowing into Measure 49 from “out of state” groups like the Nature Conservancy, supposedly a nonprofit? And since when did the Nature Conservancy become a partisan political action group that works to destroy the private property rights of Oregonians? Remember that the next time you’re asked for a contribution.

The Measure 49 road signs are examples of the campaign’s hypocrisy: “Garbage dumps or grapevines?” “Strip malls or strawberries?” “Parking lots or pumpkins?” “Congestion or cornfields?”

We’ll take the latter, all of which we have now *almost entirely due to a more than two-century tradition of constitutionally guaranteed private property rights*, and no thanks to Oregon’s overly restrictive land use laws, which Measure 37 helped to reform.

Where are Oregon’s journalists to explain that these inane questions have absolutely nothing to do with this measure? Why haven’t they explained that Measure 49 would make it next to impossible to assert your property rights and would lock in bureaucratic regulations?

Why not ask these questions instead: Smear campaigns or the truth? Twisted lies or straightforward explanations? Backroom deals or open public debate?

Those questions would certainly elicit a no vote on Measure 49.

The only editor in the state whom we have seen write the truth thus far is the Albany *Democrat-Herald’s* Hasso Hering, who wrote in his editorial, “A campaign of wild claims”: “The campaign for Measure 49 has begun, and if the start is any indication, we are in for a pile of baloney. Measure 49, on the ballot for November, is the plan by Democrats in the legislature to scale back Measure 37, which allows people to seek payments or waivers from land-use restrictions imposed after they bought the land. Massive problems? Where? When? The idea now is to scare us about Measure 37’s effects.”

Hering dissects two of the Measure 49 campaign’s supposed “egregious” examples of over-development, showing them to be unfounded claims, and concludes: “In short Measure 37, approved by the voters in 2004 and upheld by the Supreme Court in February 2006, has not proved to be the disaster that some of us feared and the backers of the legislative fix claim it to be.”

In a democracy voters are free to choose to give up their rights, and they sometimes do. They’re free to be comfortably deceived, and they often are. And most of Oregon’s press is happy to oblige — as we mentioned, public policy does not sell newspapers.

Measure 49 isn't the first time that the media has looked the other way on important public policy issues. Our state and federal bureaucrats have spent more than \$6 billion on salmon restoration with abysmal results. And government officials (we can't bring ourselves to call them leaders) have spent three decades worth of transportation dollars on bike paths and light rail, which handle only a tiny fraction of commuters and travelers, resulting in a growing congestion fiasco. These are just two examples where the media and voters have not demanded accountability for the absurd failure befalling them. Ignorance is bliss, until you sit motionless on I-5 for two hours that is.

All too often the typical Oregonian might be too busy to worry about the intricacies of property rights and land use regulations. Isn't it easier if that sort of thing is handled by some bureaucrat or planner?

That is the unfortunate attitude that might allow Measure 49 to slip into law.

And if it was an honest choice, an informed decision by the voters, well, then we'd have no one to blame but ourselves when our rights and our democracy were gone.

But it isn't an honest choice. Measure 49 will *not* facilitate claims for small parcels, will make larger private property rights claims virtually impossible, and turns private property rights on their ear permanently. If you believe they are "fixing" Measure 37, you are being sold a lie. There's nothing honest about this campaign or the nearly 10-year long effort to prevent any version of land use reform from being enacted into law.

As we have explored our own history in preparation for our tenth anniversary, we were struck by the repeated efforts in the last 30 years by the legislature and by ballot measure to put forth honest land use reform. These efforts have been rebuffed, vetoed and overturned. Now comes this concerted effort, Measure 49, to deceive Oregon voters.

Measure 49 proponents will claim that Measure 37 passed because campaigners used similar tactics, running ads with 90-year-old Dorothy English, who tugged at voters' heartstrings because Oregon law prevented her from using her property. Yes, ad campaigns often use emotional appeals to demonstrate their measure — but the appeals should accurately and honestly represent the measure. And in the case of poor Dorothy English, they did.

Before you vote, consider this. If all the current Measure 37 claims were fully implemented, only 3 percent of Oregon would be developed.

And not one claim has yet been implemented.

As you pick up your ballot, think a little harder about the farmers in those Measure 49 ads. We don't doubt that they care about Oregon and about their property, but they're all still farming, *because they have property rights*. No one wants to prevent them from using their property. But Dorothy English *still* hasn't been able to use hers. If Measure 49 passes, countless Oregonians never will.

Vote no on Measure 49.

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