

Oregon Senate President Wagner's Unlawful, Uncompromising, Unconstitutional Actions



By Dennis Lintichum

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Standing Firm

The 2023 session has been punctuated with mostly hyper-partisan chicanery. Here is a list of how Senate Rules, statutes, and the Constitution have been purposefully violated and ignored by Senate President Rob Wagner:

1. DISENFRANCHISING PUBLIC PARTICIPATION WHILE VIOLATING OREGON LAW:

Rob Wagner has allowed bills to pass that violate the Oregon Constitution Article 4 Section 21, Senate Rule 13.02, Oregon Statute ORS 171.134, and Legislative Councils Form and Style Manual (chapter 8). He has done this despite being made fully aware that each bill summary is required to comply with legal reading standards so the public can better participate. Even a judge said he believed Rob Wagner and the Democrats were violating this law. By violating these laws, the Senate President has abandoned the rule of law—a cornerstone to a healthy democracy.

2. PARTISAN TESTIMONY TIME CONSTRAINTS:

Rob Wagner has allowed certain committee chairs to pack the agendas so people have little time to testify. This stifles public input. At the same time, he has allowed certain committee chairs to prioritize democrats special interest groups with much more time to testify. This has a chilling effect on public participation and is antidemocratic.

3. REFUSAL TO HEAR FROM EXPERT TESTIMONY:

Rob Wagner allows certain committee chairs to refuse invited testimony from Republicans. In one instance, one of Rob Wagner's appointed committee chairs refused to give meaningful time to a PhD who drove from Montana to talk on his expertise. This is unacceptable and speaks to the Senate Presidents persistent partisanship. Once again, this is not leadership encouraging healthy democratic participation (See Exhibit A – refusal emails to Senator Linthicum).

4. TURNING NONPARTISAN STAFF INTO PARTISANS:

Rob Wagner has allowed nonpartisan staff to be used inappropriately for partisan reasons. He allowed chairs of committees to use the LPRO staff to draft measures and amendments without informing the rest of the committee members. This makes it difficult for LPRO to remain independent of political partisanship as they are torn between informing the committee they serve, and the Chair Rob Wagner appointed. They have done this to the point where they are in violation of Senate Rule 13.11 that requires any committee measure or amendment to NOT be treated confidentially. (See Exhibit B – Senate Republican and Independent letter March 24, 2023.)

5. NO LEGISLATIVE ACCOUNTABILITY FOR BAD IDEAS:

Rob Wagner has allowed certain chairs of committees to run rampant diminishing public participation and accountability. For example, the number of committee bills and committee amendments in the Senate Judiciary committee, far exceed any

others in the last decade. (See Exhibit C). This process allows them to no longer put their names on legislation they introduce. The chair of the committee thought this was funny at the beginning of session. This has become an increasing abuse of the legislative process and a problem for accountability. When Senate President Wagner allows this to happen by his appointed committee chairs, he is turning a blind eye to transparency and the public is uninformed of who is introducing legislative concepts. This increased pattern of behavior makes a mockery of Senate Rule 12.01(1): "Every measure introduced in the Senate shall bear the name of the chief sponsor(s) and shall comply with ORS 171.127."

6. ELIMINATING PUBLIC HEARING:

Rob Wagner has allowed an extremely partisan bill, SB 393, to pass out of committee without a public hearing. There is no greater example of driving democracy into a ditch by allowing bills to pass without holding a public hearing.

7. BYPASSING PUBLIC HEARINGS:

Rob Wagner has used the budgeting process to fast track the most controversial bills—HB 2002 and HB 2005. In doing this, he has purposefully denied the Senate and the public a voice through policy debate. This is driving democracy into a ditch.

8. UNACCOUNTABILITY OF PUBLIC OFFICE:

Rob Wagner has completely ignored legitimate complaints that Democrats are violating Oregon's Constitution by simultaneously holding two lucrative government positions (Article II, section 10) and in violation of Oregon's Constitutional separation of power (Article III, section 1). (See Exhibit D Attorney General Opinion to Brady Adams February 10, 1998 and Exhibit E, LC opinion to Senator Boquist May 22, 2023)

9. CULTIVATING A CULTURE OF RETALIATION:

Rob Wagner is now violating Republican and Independent Legislators Constitutional rights to free speech, peaceful protest and to practice their sincerely held religious beliefs.

10. SILENCING OREGONIANS WE REPRESENT:

Rob Wagner killed the entire Senate Republican Equitable Oregon agenda. He did this despite Republicans and Independents representing nearly 2 million Oregonians and roughly 90% of Oregon's natural resource lands. Later, Republicans attempted to bring 75 bills to the floor for consideration and Rob Wagner led his Caucus in voting no on each of these critical discussions. This is not good faith bipartisanship.

Democratic majority rule is constrained by laws and the provisions of our Constitution. When the majority breaks these laws and willingly chooses to ignore them, they are in violation of their sacred oath of office and trampling on the very mechanisms that maintain a healthy representative democracy. It is our duty to protect these mechanisms of the law and vigorously hold them accountable. Rob Wagner is driving representative democracy off a cliff. We will not merely be a speed bump to these reckless and partisan violations of our laws.

Ending The Current Quorum Denial is Easy

The conditions for Republicans and Independents to return to the Legislature and allow further legislation to pass are extremely modest. A sliver of bipartisanship is all we've sought, and we can worry about solving corruption on another day.

Here are a few examples required for a return:

- ◆ Make the Bill summaries Constitutional, and follow the readability standards set by law.
- ◆ Stop HB 2005 and other unnecessary gun bills like SB 348.

Agree no further attacks on the 2nd Amendment in Oregon through at least 2027.

- ◆ Stop HB 2002 and its assault against Parent's Rights. Parents and legal guardians should come first, not state bureaucrats.

- ◆ Agree to return to taxpayers their full due of \$5.5 billion (AKA – Kicker monies) in the form of check this year.

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