

Gerry Thompson

March 17, 1982

Bob Oliver

### Governor's Candidacy

I reviewed Ralph V. G. Bakkensen's letter commenting on several issues relating to the Governor's candidacy, as distinguished from the exercise of his official duties. My general observation is that it sometimes is difficult to say whether he is doing something as Governor, or as a candidate, and if we err it should be on the side of classifying the activity as candidacy.

### Lon.

The Legislative Assembly has recognized a special need to protect the Governor's person, and appropriated funds for this purpose. When the Governor travels he is accompanied by Lon Holbrook or some other State Police officer. He does not cease to be Governor while campaigning, fishing or sleeping, and his person at all times is subject to a risk not shared by others. No matter what the Governor is doing, Lon or another officer accompanying him is on official duty to the extent that his activities are appropriate to the Governor's safety. There is, therefore, no need to reimburse the state for any part of Lon's salary, which would remain the same whether the Governor moves about or sits in his office.

The letter gives the impression that none of Lon's personal travel expenses, such as meals or lodging, are paid. These expenses are reimbursed by the state when the Governor is performing official duties. A case could be made that the state can reimburse Lon's expenses even when the Governor is campaigning, but this is less defensible than the salary matter because the Governor's campaign activities increase Lon's expenses, and the taxpayers should not be asked even indirectly to finance these activities.

Lon must be careful, when accompanying the Governor, that what he does is limited to his official duty of protecting the Governor. This does not mean he cannot join the Governor in fishing, but he cannot assist in passing out campaign literature, carry messages of a political nature, talk to people on behalf of the Governor's candidacy, etc.

### Transportation.

A state-owned vehicle is provided for the Governor. The vehicle is equipped with special communications facilities, so he can be reached in the event of an emergency affecting the public safety; and also with a concealed siren and flashing

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police lights, which could be useful to Lon in certain situations threatening the Governor's personal safety. Use of the vehicle for transportation during campaigning is appropriate. However, as in the case of Lon's personal expenses, campaigning consumes gasoline and puts mileage on the vehicle. The state should be reimbursed for these costs, and the formula suggested by Bakkensen appears appropriate. A campaign activity incidental to other official travel does not necessarily "taint" the whole trip, so as to require reimbursement of the state for the entire cost. For example, if the Governor travels to Coos Bay to address a meeting on plans for promoting economic recovery in the area, then meets with the State Board of Higher Education in Eugene the following day to discuss budget issues, the fact that he might have stopped along the way in Roseburg to meet with the Douglas County Central Committee would not require reimbursement of the full amount of the swing. However, if the campaign activity required a deviation from the most direct route, or extra meals or lodging, the state should be reimbursed therefor.

On the other hand, a predominantly campaign tour cannot be "laundered" by incidental stops for official purposes.

When the Governor flies into a town and is driven around by a trooper in a State Police car, use of the vehicle for this purpose is appropriate -- but the expenses incurred in the process would not be incurred if the Governor were not campaigning, and should be reimbursed in full. If Lon is present during this time, the state also should be reimbursed for the time of the trooper. In this respect, I disagree somewhat with Bakkensen, who said that "Moderate and incidental transportation of this nature need not be reimbursed." Legally he may be right, but I would play it safe.

#### Other Issues.

I agree with Bakkensen's observations on the other issues (free private airplane transportation, stationary, campaign during special session and donated lodgings). There is one additional issue.

On a number of occasions in the past when the Governor has been making public appearances, State Police have had reason to believe there was an unusual risk to his safety by reason of a death threat or other circumstance, and have dispatched extra security to the scene. Even if this happens on an occasion of a purely campaign nature, I do not believe there is an obligation on the campaign to reimburse the state for the cost of this additional security. Its purpose is solely to protect the Governor's safety, and is occasioned by circumstances beyond the control of the Governor or the campaign.

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I suppose I'm saying just about what Bakkensen said in his letter on all points except the minor item regarding transportation by troopers in State Police cars when Lon is present.