

Our View



EO Media Group, File

The Oregon Capitol building with downtown Salem in the background. The Oregon Legislature in the 2021 session could consider bills to strengthen the state's public records laws.

The Legislature should pass public records bills

The resignation of Oregon's former public records advocate, Ginger McCall, still echoes with consequences.

First, over the holidays, The Oregonian reported on an investigation from Gov. Kate Brown's office. It concluded that a member of the governor's staff did not pressure McCall to take the governor's side. An attorney hired by the governor's office authored the report. McCall has challenged it.

Second, a related bill is on the Legislature's agenda for the 2021 session. Legislative Concept 1478 attempts to make it clear that Oregon's Public Records Advocate is to be an independent office. The governor would no longer get to appoint the advocate. The state's Public Records Advisory Council would.

Oregon actually has good laws that are supposed to ensure the public gets access to government records and government meetings. But sometimes because of lack of training of government employees or a desire for secrecy, it can be hard for the public to get access. The public records advocate is supposed to help with both.

The advocate position is relatively new. With any new position there can be a lack of clarity how it should work.

McCall resigned, in part, when she believed Misha Isaak, now the former general counsel to the governor, was using his political power to exert pressure on her to pursue the governor's agenda on public records but to tell no one.

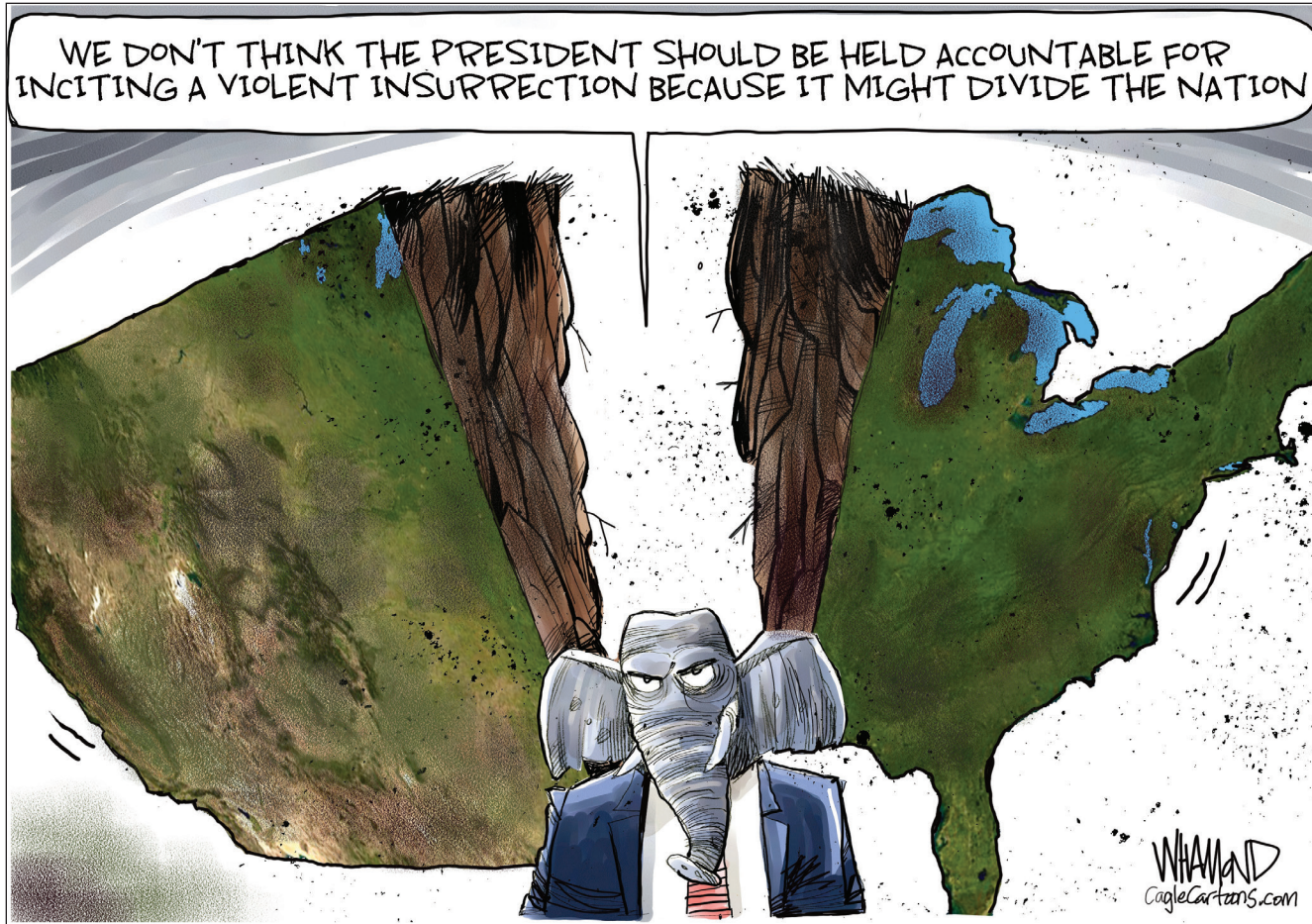
LC 1478 will not settle every question about how the advocate is supposed to operate. It should help. The purpose of the public records advocate should be to improve understanding of the existing law, help mediate public records disputes, point out walls blocking transparency and recommend fixes.

Another bill for the 2021 session, Legislative Concept 2036, is one of those fixes. It would mean the Public Records Advisory Council would do a survey every even-numbered year.

The existing law just states the surveys should be done "periodically." The survey would be used to determine how state agencies and other public bodies are complying with the public records law — what fees they are charging, what decisions they have made about records that are exempt from disclosure and other questions the council deems appropriate.

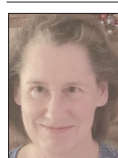
Oregonians can't know how the public records law is working without information like that.

We urge the 2021 Legislature to pass it.



Thinking Out Loud

Mob violated fundamental American principles



ANNE MORRISON
LA GRANDE

Between the two world wars, Germany was, briefly, a democracy. In 1933, Adolph Hitler was appointed chancellor. Within the month, the building that housed the German Parliament burned to the ground. The burning of the Reichstag is commonly viewed as the end of German democracy and the beginning of Germany's steep descent into a moral abyss, into totalitarianism, industrial murder, genocide and the precipitation of a war that cost tens of millions of lives.

Last week we watched as thousands of President Donald Trump's most ardent supporters, urged on by Trump himself, violently broke into the United States Capitol, looting and causing elected officials to shelter and flee. As with the Reichstag, that invasion marked more than the simple break-in of a government building. Occurring as Congress proceeded with its constitutional duty of tallying votes from the presidential election, the mob's violent disruption of a legally mandated process represents an assault on our government, on our constitutional values, and on the institution of democracy itself.

Since 1492, the United States has been voluntarily and involuntarily settled by people from different racial and ethnic backgrounds. Today, that means our nation includes people with a multitude of views, influenced by cultures, religions and traditions from around the world.

The United States is a country of

328 million people.

The population of the United States will never agree on anything.

So how does this nation proceed?

Like most Americans, I recognize that a functioning democracy in a diverse country requires tolerance and compromise. As individuals, we have different views on everything from school funding to the delivery of medical care to racial injustice to taxes to grazing allotments. Being part of a democracy means accepting the fact that no one gets their way all the time. That's true for everyone across the political spectrum — right, left and center. That's our unwieldy political system, and we all struggle at times to live with it.

Last week we were shown the alternative.

The Constitution is the document that defines our nation — it expresses our nation's essential ideals and describes how our government is set up and functions. You can call yourself an American patriot for defending our constitutionally based institutions and form of government — members of the military, government employees, lawyers, judges and law enforcement officers have taken oaths to do so. But you don't get to designate yourself a "patriot" while destroying government buildings in the attempt to force your will on other Americans. You don't get to call yourself "patriotic" and also spend an essential government proceeding because an election didn't go your way. You can't have it both ways.

The Trump rioters' actions show that they deliberately lie about what they stand for. The mob at the Capitol presented themselves as patriots — intent on "taking back America" while waving American flags and

chanting "USA! USA!" (Ironically, at least one rioter carried a Confederate flag, this nation's ultimate symbol of treason.) Yet precisely while claiming to be patriots, the mob committed one of the most un-American acts possible: They occupied the Capitol by force, vandalized the building and disrupted government proceedings taking place inside. Because the mob disbelieved or disagreed with the election result, rioters felt entitled to enter the Capitol with weapons and to disrupt proceedings they didn't want to occur. They damaged property, called to hang Vice President Mike Pence and caused members of a sitting Congress to flee to safety. Five people died.

The Capitol riot is amazing for another reason: the sheer number of people with the apparent belief it is perfectly acceptable for them to push elected lawmakers out of the way and to make the decisions that affect the residents of this country.

They believe they are entitled to do so. Why?

Because ...

Well ...

Because they say so.

In reality, Trump's rioters have violated the most fundamental of American principles. In this country we have elections for public office and on public issues, and somebody always loses. For Trump supporters, just as for everyone else, accepting unwelcome election results is a part of the give-and-take of being a true American.

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This is her first contribution for "Thinking Out Loud," her monthly column for The Observer.

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