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# Opinion

## Editorial Board

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## OUR VIEW

# Court ruling challenges New Deal paradigm

The Supreme Court has overwhelmingly ruled that the government-run raisin marketing order can't take raisins from growers without paying them for the confiscated crop.

By an 8-to-1 margin, the court correctly held that the program amounted to an unlawful taking under the Fifth Amendment of the Constitution. The ruling further challenges the legitimacy of the old New Deal command-and-control farm programs.

Established in 1949 under a law passed in 1937, the federal marketing order authorized the Raisin Administrative Committee.

Its primary job is to regulate the volume of California raisins entering the market to stabilize prices. It also provides money for research and promotion.

When market conditions dictated, producers were compelled to surrender a portion of their crop to a federal "reserve pool," which was intended to limit the market supply of raisins and stabilize their price. This happened infrequently, the last time in 2010.

Raisins in the reserve were stored until they could be sold on foreign markets, given to school lunch programs or otherwise disposed of.

Producers were not paid for the raisins surrendered to the pool. Instead, the theory goes, they benefited from higher prices that resulted from reduced supply. If the raisins were sold, producers received a prorated share of any proceeds left after the committee's storage and marketing expenses are paid.

Farmer Marvin Horne of Kerman, Calif., wouldn't go along with the scheme, and was assessed fines when he wouldn't surrender his crop.

From the get-go the government's argument that Horne had "volunteered" to

participate in the program when he decided to produce raisins didn't impress the justices. Neither did the assertion that if Horne and other producers didn't like the program, they could produce something else with their grapes.

"Let them sell wine" is probably not much more comforting to the raisin growers than similar retorts have been to others throughout history," Chief Justice John Roberts said. "Property rights cannot be so easily manipulated."

We won't say that the raisin program and other New Deal

supply management programs haven't benefited producers, in some circumstances. But they harm others by discouraging entry into the market by some, and diminishing the returns of the most efficient producers.

The conditions that necessitated their creation nearly 80 years ago are quite different than what's found in today's markets. So are the politics.

Farmers covered by these types of programs should well ask whether the programs are still relevant, and whether some other paradigm might better serve their interests.



Rik Dalvit/For the Capital Press

## OUR VIEW

# Guestworker border snafu demonstrates need for reform

For the second year in a row, a computer failure has caused a farmworker shortage in the West, and renewed legitimate complaints that the government's system for approving guestworker visas is unnecessarily complex.

A hardware glitch prevented the State Department from processing visas for H-2A guestworkers on the Mexican border for nine days, preventing workers already hired by fruit and vegetable growers from entering the United States and delaying the picking of perishable crops.

According to the State Department, a hardware failure in its Consular Consolidated Database left it unable to process visas or passports at embassies and consulates worldwide.

The problem left thousands of foreign workers with jobs waiting in the United States, but who had not yet had their visas issued, stuck in Mexico. And it left growers in the U.S. scrambling to try, largely unsuccessfully, to arrange their legal crossing.

"We cannot bypass the legal requirements necessary to screen visa applicants before we issue visas for

travel," the State Department said. "Security measures prevent consular officers from printing a passport, report of birth abroad or visa until the case completes the required national security checks,

While many employers offered to pay worker expenses as they waited in Mexico, many workers could not afford to wait and returned home.

Dan Fazio, director of the Washington Farm Labor Association in Olympia, is more than a little frustrated. A similar glitch last year caused delays in getting legal workers into the fields and orchards of the West.

Though the hardware glitches are unfortunate, Fazio says the problem does not lie with the State Department or its computers. The problem is that the system depends on the seamless coordination of six separate government agencies.

Five years ago the Obama Administration made the H-2A program less user friendly.

The program requires employers to first advertise jobs to U.S. citizens, and to give preference to any local applications that may come thereafter.

Even when unemployment is high, local workers seldom take to the fields. Growers have to provide transportation and housing, and a guaranteed wage.

And even if a grower meets all the requirements, any number of glitches can keep workers on the wrong side of the border.

The answer is meaningful immigration reform, passed by Congress and not administrative fiat.

We continue to believe the answer is to offer illegal immigrants temporary legal status and a path to permanent residency after 10 years if they meet strict requirements — no prior felony convictions, no violations while awaiting residency, learning to speak English and pay a fine and back taxes. We think the border should be secured. Employers must verify the work status of their employees.

And of course, a viable guestworker program must be established without the politics and the nonsensical requirements.

Whether taken piecemeal or in a comprehensive measure, it's time Congress moved forward.

# Proposed law would improve forest management

By NICK SMITH  
For the Capital Press

Guest  
comment  
Nick Smith



As wildfire season kicks off to an early start, Congress has an important opportunity this year to improve the management of federal forests.

The U.S. House of Representatives is advancing the bipartisan Resilient Federal Forests Act of 2015 (HR 2647) to give the U.S. Forest Service and Bureau of Land Management (BLM) policy and legal tools to make federal forests less vulnerable to catastrophic wildfire, insects and disease.

In addition to improving the health of federal forests across the nation, the legislation would create thousands of jobs in forested communities while generating additional timber revenues for rural counties with large amounts of federal forest land. HR 2647 addresses many of the current obstacles to federal forest management, from curbing excessive litigation to providing more resources for forest management activities.

Through the use of categorical exclusions, or "CEs", under the National Environmental Policy Act, the legislation gives the Forest Service and the Bureau of Land Management the ability to quickly implement projects up to 5,000 acres in size to help improve forest health and resiliency.

The expanded use of CEs builds upon progress made under the 2014 Farm Bill, which gave the Forest Service similar authorities to expedite collaborative forestry projects in critical areas.

To speed up forest recovery after a catastrophic event, agencies could also use a 5,000-acre CE to accelerate salvage operations after a wildfire. On large-scale wildfires, the legislation requires that all environmental analysis be completed within 90 days and that at least 75 percent of the burned area be treated and reforested within five years.

HR 2647 also prevents litigants from seeking preliminary injunctions, a common tactic meant to stop projects through delay.

Today, catastrophic wildfire and a lack of early successional habitat is harming many species, including key game species. Under HR 2647 the Forest Service and BLM can also use a limited, 5,000-acre categorical exclusion to

meet goals for creating more early successional forests to improve, enhance and create wildlife habitat.

The Forest Service increasingly turns to forest collaboratives — typically consisting of local officials, conservationists, forest products representatives, and others — to help develop forest projects. HR 2647 supports these local grassroots efforts by extending CE authorities to collaborative forestry projects up to 15,000 acres. It also streamlines the planning process for larger projects, and requires a bond for outside groups to challenge projects in court.

In recent years the rising costs of wildfire suppression has reduced the amount of funding and staff available to plan timber projects that would help prevent the wildfires in the first place.

To help relieve these chronic budget shortfalls, HR 2647 provides several new authorities that will allow the agencies to use timber sale proceeds to hire additional foresters, plan additional projects, and accomplish needed restoration work. It will also allow states to contribute funds to forest management and then be repaid through revenues from the projects they funded or direct the proceeds towards future state-supported projects.

The Resilient Federal Forests Act has been approved by the House Natural Resources and House Agriculture Committees. If the legislation is passed through the full U.S. House this summer, as some expect, it will be an important step toward improving federal forest health and creating more economic opportunities in rural communities.

We should encourage the Senate and the Obama Administration to continue the progress made in the House and achieve a solution that helps reverse the growth of wildfires that are plaguing federal forests throughout the nation.

Nick Smith is Executive Director of Healthy Forests, Healthy Communities, a non-profit, nonpartisan organization that advocates for active management of federal forest lands.

## Readers' views

### Farmers should back carbon reductions

Since climate disruption has made old systems of water collection and distribution in California untenable, it would make sense for farmers to demand national legislation to reduce carbon emissions in the atmosphere — the source of the problem. Not that global warming causes droughts per se, but it does exacerbate their effects and makes them last longer. According to leading economists such

as former cabinet secretaries Henry Paulson and George Shultz, the fastest and most efficient solution would be levying a fee on the carbon content of fossil fuels.

A 2014 study done by Regional Economic Models, Inc. shows that emissions would be reduced by over 50 percent within 20 years with a gradually increasing, revenue-neutral carbon fee. All revenues would be returned to households to ease the economic burden for low-income families during the transition to renewable energy. This would also

create popular support, as British Columbia's experience has shown. Their revenue-neutral carbon fee, in place for over six years, has reduced the use of fossil fuels without negatively affecting the economy and has a 64 percent approval rating.

Farmers can also become a part of the solution by switching to regenerative farming methods that build soil health and increase its ability to retain moisture and sequester carbon. Carbon fee and regenerative farming approaches would not be without challenges and

would take time, but a business as usual approach guarantees that the problem will only get worse, according to scientists. And the longer we wait to start lowering emissions, the harder it will be. If we wait too long, we may pass tipping points that would make global warming a runaway train.

Farmers are practical, and if they speak with one voice for these practical solutions, they could have a powerful influence on how the future looks for everyone.

Cher Gilmore  
Newhall, Calif.

## Letters policy

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