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Opinion

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Our View

A taking, no matter how brief, is a taking

The U.S. Supreme Court last week rightly upheld private property rights in a case that pitted California farmers against union organizers.

California regulation gave union representatives freedom to enter private farm operations up to three times per day, 120 days per year to organize workers.

Cedar Point Nursery filed suit in federal court, complaining that an unannounced, pre-dawn “invasion” by bullhorn-wielding organizers from the United Farm Workers union disrupted its strawberry operation, violated its private property rights and constituted an unconstitutional taking. It was joined by Fowler Packing Co.

The ag businesses lost in the trial court and their appeal was dismissed by the liberal 9th U.S. Circuit Court of



The U.S. Supreme Court

Appeals. But in a 6-3 decision, the nation’s highest court ruled California’s regulation appropriated for a third party the owners’ right to exclude people from their operations — a fundamental right of property ownership.

It also brushed aside arguments that the limited access afforded by the regulation did not constitute an uncompensated government taking, instead ruling that a taking occurs whether the granted access is permanent or temporary, limited or continual.

The majority opinion said the rule effectively “appropriates a right of access” for union organizers to come onto the farm properties “at will for three hours a day, 120 days a year,”

which runs counter to the Supreme Court’s case law.

“The upshot of this line of precedent is that government-authorized invasions of property — whether by plane, boat, cable, or beachcomber — are physical takings requiring just compensation,” Chief Justice John Roberts said in the ruling.

A taking, no matter how brief and limited, is still a taking.

The California regulation affects the farmers’ right to exclude others from their land, which is “one of the most treasured” aspects of property ownership, he said. Without the rule, the growers would have been allowed to keep union organizers off their property.

“We cannot agree that the right to exclude is an empty formality, subject to modification at the government’s

pleasure,” Roberts said.

The majority held that an owner’s right to keep union representatives and other members of the public off their property did not preclude the government from entering under legitimate circumstances, such as with a search warrant or to conduct health and safety inspections required as a condition to certain business licenses.

“With regard to the complexities of modern society, we think they only reinforce the importance of safeguarding the basic property rights that help preserve individual liberty, as the Founders explained,” he said.

We hope the ruling offers protection for all property owners from regulators that are disposed to give nongovernmental, third parties access for an ever-expanding set of “public goods” promoted by self-interested activists.

Our View



Gray wolf

IDFG

Excluding ranchers from wolf case unjust

A California judge last week issued one of the most disconcerting decisions involving wolves that we’ve seen.

U.S. District Judge Jeffrey White of Oakland, Calif., is hearing a case related to efforts by environmentalists to put gray wolves back on the federal endangered species list.

But here’s the clinker: White decided to exclude from the case the people most directly impacted by wolves — ranchers.

Environmental groups are represented. So are hunters, gun owners and the federal government. But ranchers were blocked from taking part, other than being allowed to file a friend of the court brief.

It should be noted that American ranchers have lost hundreds of thousands of dollars in livestock and spent almost as much money trying to keep wolves away from their cattle and sheep.

The attacks have not been isolated. Wherever there are wolves, there are wolf problems as packs hunt down cattle and sheep and kill and injure guardian dogs.

Yet, according to the judge, the National Rifle Association and Safari Club International will be able to speak for ranchers.

We have nothing against the NRA or the Safari Club; we just think it’s a misguided decision. It’s like asking a NASCAR driver to speak for a truck driver. They kind of do similar things, if you don’t think about it too hard.

Maybe the judge figured ranchers would

only add more of the same arguments to the case and that having actual experience dealing with wolves is no big deal. If so, he is wrong. Nothing can replace experience in a case such as this.

In the meantime, ranchers will be relegated to the peanut gallery as the judge ponders a case that will have a direct and potentially detrimental impact on their livelihoods.

What prompted this case was last year’s decision by the U.S. Fish and Wildlife Service to take the gray wolf off the list of animals protected by the federal Endangered Species Act. The agency determined that the population of gray wolves is growing everywhere. Across the northern tier of the U.S. and in other states, wolves have been flourishing.

What started with 96 wolves in Idaho and Yellowstone National Park has grown into thousands of wolves.

The decision to take wolves off the list of federally protected species and let states manage them was warranted by almost any measure. Yet environmental groups, which put their opinions over those of expert wildlife managers employed by the federal and state governments, maintain that the “defenseless” wolves must continue to be protected.

At the same time, ranchers continue to pay the price of having wolves around. And the judge in this most important case won’t let them take part.

That’s just one more reason it is called a legal system and not a justice system.

READERS’ VIEW

Don’t call it ‘China lettuce’

As a grower of small grains and seed crops, the article titled “China lettuce a challenging weed for many wheat farmers” caught my eye. Thinking it was a new Asiatic species introduced to our region, I read the article.

Turns out that “China lettuce” is merely ignorant slang for the plant called prickly lettuce, or as it is known in the scientific community *Lactuca serriola*, i.e. prickly lettuce in Latin. The plant is native to the region around the Mediterranean and was introduced to both the Americas and Asia from that point of origin. It is the uncultivated sister species to another European plant, *Lactuca sativa*, the familiar salad lettuce found at your local grocer or farmers’ market.

As the seeds of the cultivated and wild forms are virtually the same, the weed was likely spread across the country by well-meaning gardeners and farmers who carried on the European tradition of green salads.

Modern agricultural methods with their reliance on herbicides have made winter annuals such as this wild lettuce a challenge. Take a look at the amazing diversity of cultivated lettuces in the market or seed catalog, and you can see why their wild relative is well-equipped to evade whatever chemistry is thrown at it.

Organic grain growers, such as myself, follow the ancient advice of letting the winter annuals sprout in a freshly prepared field before drilling and packing in the desired winter annual, be it mustard seed, barley, rye or wheat. After thousands of years, the method still works nicely.

Prickly lettuce has no connection to China. Mischaracterizations such as “China lettuce” should have no place in university communications or trade publications. It is ignorant, mean-spirited slang with no basis in history, culture or genetics.

Anthony Boutard
Gaston, Ore.

E. Oregonians fleeing to Idaho

Why would Oregon residents voting with wheels join the rush to the Snake River Valley in Idaho? Quite simply, the seat of power in the Willamette Valley has increasingly disenfranchised those east of the Cascade Mountains. This isn’t anything new because they have long looked down on over-the-mountain folks.

In the early 1840s they made it clear that Blacks and other minorities were prohibited from settling in the Oregon territory, which was governed from the valley.

When Oregon statehood was applied for they emphatically stated that they didn’t want anything east of the Cascades, for it was fit only for “coyotes, rattlesnakes and hostile Indians.”

A hundred and sixty years

later, we still have coyotes and rattlesnakes. As for hostile Indians, I couldn’t say, because the Native Americans I know all are peaceful.

The Greater Idaho movement is symptomatic of the growing rift between rural, urban, red and black states. As the disgruntled flee it’s of concern to us natives that they are bringing their issues with them.

Michael F. Hanley IV
Jordan Valley, Ore.

Eastern Oregon should be allowed to join Idaho

Since I still believe in life, liberty and the pursuit of happiness of the U.S. Constitution I support the people’s right in Eastern Oregon to join the state of Idaho.

Their elected officials need to step up to the plate and join in their effort to support them and make their wishes become a reality.

It should be a no-brainer for members of Congress to approve. After all, they swore to uphold that portion of the Constitution when they took their oath of office — life, liberty and the pursuit of happiness.

Allan Purcell
Leadore, Idaho

How to protect our currency

In 10th Century England, those found guilty of debasing the currency had one hand chopped off.

If we re-instated this law, we would either have sane monetary policy in this country or a lot of one-handed politicians.

Roger Whitten
Deer Park,
Eastern Washington

Speak up to demand change

In hearing a radio announcement that our state budget has escalated by billions of dollars and the governor, not knowing what to do with it, was going to fund immigrants to build businesses.

That didn’t sit well. We are a compassionate citizenry and already fund immigrants.

This virus-driven economic depression has closed businesses, restaurants and caused job losses. Shouldn’t we who are responsible for this excess revenue be the beneficiaries? Corporate and property taxes can be canceled.

It’s my opinion but this is a lack of stewardship, accountability and concern for the citizens’ welfare.

I don’t know if anyone has called their legislators. One voice doesn’t make a change but a chorus of voices can bring about change, accountability and justice.

Mrs. M.A. Novak
Yamhill, Ore.