

THE DAILY ASTORIAN

Founded in 1873



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Sen. Merkley offers six more rules changes

Tending the institution in an era of Senate dysfunction

Too many United States senators don't understand their town institution. Many times when Ted Cruz of Texas, Tom Cotton of Arkansas or other freshmen open their mouths, it's like they are at the high school student council, not inside the vaunted "world's greatest deliberative body." Cruz and Cotton are acting like unworthy heirs to the chamber that was built by Daniel Webster, Henry Clay and John C. Calhoun.

There are no campaign contributors interested in mending the Senate's dysfunction. Trying to improve the place is thankless, but very important work. Oregon Sen. Jeff Merkley is having another turn at it. After having some success in the Congress that ended last December, Sen. Merkley has introduced a new batch of proposed Senate rules changes.

In a nutshell, Merkley's proposals are about delay — when it should be allowed and when not.

The most consequential of his six proposals would move lower level presidential nominations forward more promptly. His most striking concept is that nominees who are lower than a cabinet officer or judgeship

could be deemed confirmed after 14 days following committee approval unless 10 senators request floor debate.

Merkley would also remove one of the most pernicious traps — the filibuster against a motion to proceed with Senate debate on a bill. Debate on that would be limited to two hours.

Merkley has been wise to break his package into six parts, in order to attract Republican co-sponsors. "My Republican colleagues are shy about co-sponsoring rules changes," says Merkley.

But in the wake of the major rules change made in 2013, Merkley says, "There is virtually no remaining substantial concern (about those changes)."

Study finds payoff for habitat restoration

Ongoing need for effective monitoring

Debates about Pacific Northwest salmon issues easily devolve into the sort of "holier than thou" fights that simmer between some of the feistier Protestant church denominations, but once in a while some actual facts help illuminate the validity — or lack thereof — of restoration strategies.

Such is the case concerning the argument over whether it is better to restore habitat and permit salmon to take reproduction into their own fins, versus running the process ourselves in hatcheries. *Columbia Basin Bulletin* reports, "The average cost to produce a juvenile coho salmon through habitat restoration in British Columbia is about the same cost as producing a hatchery salmon, according to a recent study."

It costs an average of about \$1 to produce a coho smolt in a hatchery, whereas restored habitat can produce one for as little as 69 cents, even after taking into account the expense of making sure that restoration projects remain viable for at least 30 years, the study concluded about work in British Columbia and Washington state. Projects that concentrate on providing specialized spawning habitat can cost considerably more, but projects that emphasize providing young salmon places to overwinter and grow are particularly cost effective, the study found.

Even in situations where salmon don't reproduce in newly restored side channels, smolts are able to access these newly available areas and overwintering survival was 40 percent. This results in an overall increase in smolt production of 13.4 percent, according to the

study. In other words, even small projects add up to more salmon in the watershed as a whole. In other circumstances, off-channel habitat projects increased coho production by up to 34 percent.

Fishermen are individuals of strongly held opinions and some expressed skepticism about efforts designed to relink marshes and creeks to the Columbia River and other salmon-bearing streams. This study should help chip away at these doubts. Though commercial fishermen and charter operators might prefer full-out hatchery production — and even taking out some upriver dams — this isn't likely in today's political, scientific and economic environment.

Advocates of wild-spawning salmon, who have the attention of policymakers in Oregon and Washington, tend to regard hatcheries as a problem rather than part of the solution. They will embrace this study. But it has to be noted there are far more restrictions on catching unmarked, wild-spawning salmon, so the actual catching and retention of salmon continues to rely upon hatcheries.

On a philosophical level, most seafood consumers don't care one way or the other where a local salmon started life, so long as the finished product tastes good.

The *Bulletin* figures about \$14 billion to \$15 billion has been spent since 1990 on freshwater habitat restoration projects in the U.S. alone. Ongoing monitoring is needed to test the effectiveness of restoration projects, both to hone future efforts and to maintain public support for such an expensive endeavor.

Conscience of a corporation — or not

By TIMOTHY EGAN

New York Times News Service

So here is Walmart, insisting that "our core basic belief of respect for the individual" is at odds with an Arkansas bill that would allow religious-based discrimination.

And here is Marriott, slamming as "idiotic" similar measures in other states.

And somewhere in there is the family-run pizzeria, asserting that Indiana's new law allows them to deny wedding day pies to people whose choice of spouses they don't approve of.

These businesses sell Chinese-made consumer goods, hotel rooms and rounded dough burdened with pepperoni and extra cheese. Since when did they start spouting off about the deeply held convictions guiding their corporate consciences?

You can blame last year's Supreme Court decision in the Hobby Lobby case for unleashing a herd of ponies that have gone off in quite unpredictable directions. There, in a partisan 5-4 ruling straight from Republican fever nests, the court gave certain corporations the right to challenge laws that they claim violate their religious beliefs. In that case, it was about contraception in the health care package.

Let's pause to consider this new entity — a moneymaking organization no different from a lone human being who feels conscience-bound to live a certain way because of a deeply held relationship with God. Let's pause, because five members of the Supreme Court would not.

One justice, the irrepressible Ruth Bader Ginsburg, warned of the consequences of giving corporations a soul: "The court, I fear, has ventured into a minefield."

Ginsburg predicted that the court's "expansive notion of corporate personhood" would invite profit-making companies to start using religion as an excuse to ignore laws they didn't like. And indeed, states packed with right-wing legislators who see phantom persecution behind every new episode of *Modern Family* have clamored to give companies a spiritual opt-out clause.

So it is in Indiana. State lawmakers



AP Photo/Doug McSchooler

Opponents of Indiana Senate Bill 101, the Religious Freedom Restoration Act, gather for a demonstration in Indianapolis Saturday to push for a state law that specifically bars discrimination based on sexual orientation or gender identity.

ers were also told to look before taking a big leap into spiritual exemptions for business. In a letter in February, legal scholars warned of corporations' citing religious justification for "taking the law into their own hands."

But, lo, look what happened on the way to forcing religion into the marketplace: The corporations — Apple, Nike, Yelp, Gap, PayPal, Big Pharma companies like Eli Lilly and the nine largest companies with headquarters in Indiana — have rebelled. They are saying: No, don't give us the power to discriminate.

We'd rather remain soulless purveyors of product to the widest possible customer base. Which is, I suppose, how capitalism is supposed to work. Bless the free market.

Indiana's law is "not just pure idiocy from a business perspective," said Marriott's president, Arne Sorenson, but "the notion that you can tell businesses somehow that they are free to discriminate against people based on who they are is madness."

Not March Madness, but political lunacy, of the type that's been on display ever since the Republican Party hitched itself to the crazies who dominate its media wing.

But let's not get too far ahead of ourselves. Walmart, which effectively killed the Arkansas bill a few days ago, remains locked in poverty wage mode, despite its recent boast of raising pay to at least \$9 an hour. Apple, and most tech companies now strutting across the moral stage, continues to do business with coun-

tries where a person can be executed for being gay.

Their outrage is selective, and calculated: In corporate America, the branding conceit of the moment includes just the right dash of social activism. A little environmental nudge from your cereal, a talk about race from your barista — it's mostly harmless.

Chick-fil-A learned a lesson in its journey from behind the grease counter and back over gay marriage. After condemning same-sex marriage and becoming a culture-war battleground, the corporate leaders of a company that professes to run on biblical principles now say they will stick with chicken talk. Everyone is welcome.

Good call. Nothing in the secular world keeps Chick-fil-A's founders from free worship in private. For that matter, nothing in the secular world deprives any business owner of a lawful spiritual pursuit outside of the public square. Their profits will rise or fall because of consumer demand, rather than which side of a biblical exhortation the chicken-eater may be on.

All of this, the free market in tandem with the First Amendment, has worked pretty well in a clamorous democracy such as ours. It's only when activist judges — thy names are Clarence Thomas, Antonin Scalia, Samuel Alito, Anthony Kennedy and John Roberts — have tried to broaden the intent of the founders that we've gotten into trouble.

In 2010, those five judges created the notion of corporate personhood — giving companies the unfettered right to dominate elections. After all, Exxon is just a citizen like you and me. And in 2014, those five judges gave corporations a soul, a further expansion of business entity as a citizen. Well, they tried to. As the saying goes, a corporation will never truly be a citizen until you can execute one in Texas.



Timothy Egan

Exxon is just a citizen like you and me.

The trader who donates half his pay

By NICHOLAS KRISTOF

New York Times News Service

Matt Wage was a brilliant, earnest student at Princeton University, a star of the classroom and a deep thinker about his own ethical obligations to the world.

His senior thesis won a prize as the year's best in the philosophy department, and he was accepted for postgraduate study at Oxford University.

Instead, after graduation in 2012, he took a job at an arbitrage trading firm on Wall Street.

You might think that his professor, Peter Singer, a moral philosopher, would disown him as a sellout. Instead, Singer holds him up as a model.

That's because Wage reasoned that if he took a high-paying job in finance, he could contribute more to charity. Sure enough, he says that in 2013 he donated more than \$100,000, roughly half his pretax income.

Wage told me that he plans to remain in finance and donate half his income. One of the major charities Wage gives to is the Against Malaria Foundation, which, by one analyst's calculation, can save a child's life on average for each \$3,340 donated. All this suggests that Wage may save more lives with his donations than if he had become an aid worker.

"One thought I find motivating is to imagine how great you'd feel if you saved someone's life," Wage says. "If you somehow saved a dozen people from a burning building, then you might remember that as one of the greatest things you ever did. But it turns out that saving this many lives is

within the reach of ordinary people who simply donate a piece of their income."

Hm. Wage may be the only finance guy who I wish could be paid more!

Wage is an exemplar of a new movement called "effective altruism," aimed at taking a rigorous, nonsentimental approach to making the maximum difference in the world. Singer has been a leader in this movement, and in a book scheduled to be released in the coming week he explores what it means to live ethically.

The book, *The Most Good You Can Do*, takes a dim view of conventional charitable donations, such as supporting art museums or universities, churches or dog shelters. Singer asks: Is supporting an art museum really as socially useful as, say, helping people avoid blindness?

After all, an American aid group, Helen Keller International, corrects blindness in the developing world for less than \$75 per patient. It's difficult to see how a modest contribution to a church, opera or university will be as transformative as helping the blind see again.

Even though he's one of the founders of the field of animal rights, Singer is skeptical of support for dog rescue organizations. The real suffering in the animal world, he says, is in industrial agriculture, for there are about 50 times as many animals raised and slaughtered in factory farms in the United States each year as there are dogs and cats that are pets in America. The way to ease the pain of the greatest number of animals, he says, is to focus on chickens.

GiveWell, a website reflecting the ethos of the effective giving movement, recommends particular charities



Nicholas Kristof

for cost-effectiveness. Its top recommendations at the moment are Against Malaria Foundation, GiveDirectly (transferring money directly to the very poor), Schistosomiasis Control Initiative (inexpensively combating a common parasite), and Deworm the World Initiative (deworming children).

Singer himself donates about one-third of his income to charity, he says, and I admire his commitment. Still, I wonder about three points.

First, where do we draw the line? If we're prepared to donate one-third of our incomes to maximize happiness, then why not two-thirds? Why not live in a tent in a park so as to be able to donate 99 percent and prevent even more cases of blindness?

I want to take my wife to dinner without guilt; I want to be able to watch a movie without worrying that I should instead be buying a bed net. There is more to life than self-mortification, and obsessive cost-benefit calculus, it seems to me, subtracts from the zest of life.

Second, humanitarianism is noble, but so is loyalty. So are the arts, and I'm uncomfortable choosing one cause and abandoning all others completely.

For my part, I donate mostly to humanitarian causes but also to my universities, in part out of loyalty to institutions that once gave me scholarships.

Third, I flinch at the idea of taking a job solely because it's high-paying — even if the money is to be given away. Bravo to Matt Wage, who says that he relishes his work as an arbitrage trader (now based in Hong Kong), but I'm not sure this would work for everyone.

Still, Singer's argument is powerful, provocative and, I think, basically right. The world would be a better place if we were as tough-minded in how we donate money as in how we make it.

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