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OUR VIEW

Tip of the hat; kick in the pants

There are a wide range of evils in this world: ISIS, world hunger, hangnails. And sometimes it feels like the list is only getting longer.

But soon, we may be able to reduce it by one. **A tip of the hat to the Southern Oregon man gathering signatures to put an initiative on the November 2016 ballot that would end daylight saving time.**

The clock trickery has been the law of the land in most states since 1918, and was introduced with the goal of reducing energy consumption. However, studies have shown it doesn't have much of an effect. All it does is jumble our internal clocks twice a year.

Removing the silly ritual would make our lives less complicated, and hopefully we'd convince Washington, California and Nevada to join in. Arizona is already there.

Yet, on the same issue, we have to issue a **kick in the pants to the idea that counties could opt out of opting out of daylight saving time.**

Kind of confusing? Just imagine how confusing it would be to drive across Oregon in summer, with the state a checkerboard of counties all operating under a different time of day.

We're all for local control when appropriate — like on the minimum wage, for instance, when the economic impact would be so vastly different depending on the health and size of a local economy.

But not when we're talking about something as universal as the sun and the stars.

A kick in the pants to the Oregon's new Oregon Indoor Clean Air Act, which makes it illegal to smoke e-cigarettes and vaporizers indoors, starting Jan. 1.

While clearly more harmful than chewing kale, e-cigarettes are substantially more healthy than cigarettes. Sure, they contain addictive nicotine. But it's the tobacco that kills, and moving more old-fashioned smokers into e-cigarettes would be the betterment of our state.

There is also little evidence that vaporizers and e-cigarettes are harmful in a secondhand environment, and that's the big point. The only thing this law does is to push e-cigarette smokers outdoors, where they will be much more likely to light up the real thing instead of an occasional puff of vapor.

Parts of the law work. E-cigarettes should not be marketed to, nor legal, for minors. But e-cigarettes, at least in the short term, should be supported as a healthier alternative to sucking on tobacco and tar.

The state would like to see everybody be as healthy as possible. But if Big Macs, Jack Daniels and Netflix binges are allowed in public spaces, it's hard to make a case against vapor.

Unsigned editorials are the opinion of the East Oregonian editorial board of Publisher Kathryn Brown, Managing Editor Daniel Wattenburger, and Opinion Page Editor Tim Trainor. Other columns, letters and cartoons on this page express the opinions of the authors and not necessarily that of the East Oregonian.

YOUR VIEWS

Cadillac health tax could drive Oregon into trouble

The (Bend) Bulletin

Oregonians could be on the hook to pay a penalty of as much as \$11.7 million to the federal government in 2018 because of the rich health care benefits teachers get.

That's an estimate from the Oregon Educators Benefit Board, which provides the plans. The board and school districts have failed Oregonians because they haven't gotten around to revising plans to avoid the penalty.

With health care costs going up, the Affordable Care Act didn't live up to "affordable" for many Oregonians. But it did try in some ways.

One of the problems in health care is that the insured can be insulated from the actual health care costs. If an employer offers a plan with rich benefits and the insured hardly have to pay anything, the insured lack much incentive to be careful about the health care they use.

Enter the Cadillac tax.

Health care plans that are deemed too rich have to pay a 40 percent tax to the federal government beginning in 2018. The intent was to create an incentive for plans and customers to save money.

Cadillac plans are basically defined as those whose cost exceeds \$10,200 for an individual or \$27,500 for a family. That's much richer than the average plan for most Americans.

The Kaiser Family Foundation said

that in 2014 a typical individual plan cost \$6,025 and a typical family plan was \$16,834.

As you have likely heard, the Cadillac tax is hated by unions, some Democrats and some Republicans. They want it scrapped.

That's not the right approach. Rich plans create perverse incentives to overuse health care. They should be penalized.

That said, the Cadillac tax needs some fixes. The cost limits in it are not indexed to inflation. That means even reasonable increases in health care costs are going to make more and more health plans Cadillacs over time.

There also should be some consideration for how a health care policy is structured. High-cost plans that have low deductibles or no co-pays are treated the same under the law as high-cost plans with high deductibles and big co-pays. That's not right.

At this point, estimates of how the Cadillac tax will affect Oregon are just estimates. The federal government hasn't put out final guidelines about how the tax will be implemented.

But OEBB, school districts and unions have known they were likely to face penalties, no matter what the final guidelines will be. They have been more interested in keeping Cadillac health plans than reform. Oregonians end up paying.

LETTERS POLICY

The East Oregonian welcomes original letters of 400 words or less on public issues and public policies for publication in the newspaper and on our website. The newspaper reserves the right to withhold letters that address concerns about individual services and products or letters that infringe on the rights of private citizens. Submitted letters must be signed by the author and include the city of residence and a daytime phone number. 211 S.E. Byers Ave. Pendleton, OR 97801 or email editor@eastoregonian.com.



OTHER VIEWS

The coming battle over Guantanamo

Congress recently forbade President Obama from bringing Guantanamo inmates to the United States, or even preparing a place in the U.S. to which the terrorist prisoners might someday be transferred. The specific action Congress took was to renew earlier bans on the president spending any appropriated funds for those purposes.

Republicans and Democrats spoke in a strong and unified voice; 370 members of the House and 91 members of the Senate voted for the defense authorization bill that contained the Guantanamo provision. Other than a measure passed by unanimous consent, it's hard to find Congress more united.

Obama signed the bill into law, but at the same time released a signing statement making clear he might bring Guantanamo prisoners to the United States anyway — no matter what Congress says.

"The restrictions contained in this bill concerning the detention facility at Guantanamo are ... unwarranted and counterproductive," Obama wrote. "As I have said repeatedly, the executive branch must have the flexibility, with regard to the detainees who remain at Guantanamo, to determine when and where to prosecute them, based on the facts and circumstances of each case and our national security interests, and when and where to transfer them consistent with our national security and our humane treatment policy."

Obama went on to claim that "under certain circumstances" the Guantanamo ban "would violate constitutional separation of powers principles." In those circumstances — he didn't specify — the president suggested he will use executive authority to move the inmates himself.

Republicans recalled 2008, when candidate Barack Obama promised he would not "use signing statements as a way of doing an end run around Congress." But hypocrisy aside, the substance of the conflict between Congress and the president could be the basis for a nasty and high-stakes fight between the branches of government.

"There is no ambiguity," a spokeswoman for House Speaker Paul Ryan said in response. "The president just signed a bipartisan bill into law that expressly prohibits him from transferring Gitmo detainees to the United States."

"This much is crystal clear," added Senate Majority Leader Mitch McConnell. "If the president wants to be able to import Guantanamo terrorists into Americans' backyards, he's going to have to persuade a majority in Congress to change the law."

Both Ryan and McConnell pointed to a

recent House Judiciary Committee hearing in which Attorney General Loretta Lynch was asked about bringing Guantanamo prisoners to this country. "With respect to individuals being transferred to the United States, the law currently does not allow for that," Lynch testified.

It appears Congress — not Republicans, not Democrats, but Congress — is on solid legal ground. A former George W. Bush administration lawyer who asked not to be named argues that Bush, at the end of his presidency, "acknowledged that the Constitution directly provides Congress with power over the treatment and prosecution of detainees." Among those constitutional provisions are Congress' power to "make rules concerning captures on land and water" and to "define and punish ... offenses against the law of nations."

The Obama administration's position would be met with very strong, contrary arguments based on both of those constitutional provisions, and the Spending Clause (Congress' power of the purse), and the clause authorizing Congress to "make rules for the government and regulation of the land and naval forces," the former official said in an email exchange.

On the other side, in an op-ed earlier this month, former Obama White House counsel Gregory Craig pointed to the president's power as commander in chief and argued: "(Congress) can authorize detentions and military tribunals and broadly regulate the treatment of prisoners of war, but it cannot direct specific facilities in which specific detainees must be held and tried."

It's not clear whether that mostly unsupported assertion trumps 370 votes in the House and 91 in the Senate. (By the way, the latter vote would likely have been 97-3 had not several Republicans, including presidential candidates Marco Rubio, Ted Cruz, Rand Paul and Lindsey Graham, missed the vote.) As for Democrats, senators from Barbara Boxer, Tim Kaine and Barbara Mikulski on the left to Joe Manchin on the right joined Republicans in voting for the Guantanamo provision. That's a pretty broad coalition. (Just for the record, the three Democrats who voted against the measure were Bernie Sanders, Ron Wyden and Jeff Merkley.)

Barack Obama has exercised unilateral executive authority a number of times, but never in a case in which Congress was so clearly united against him. If the president decides to go it alone on the question of Guantanamo inmates, he might find that he has finally pushed things too far.

Byron York is chief political correspondent for The Washington Examiner.

YOUR VIEWS

First-time offenders hurt by harsh Measure 11 sentences

Measure 11 has not only had a negative effect on the prison system, but also on families, communities and the citizens of our state. Barbara Dickerson brought insight into these problems in her recent letter to the editor (EO, Nov. 4).

More than 25 percent of Oregon's current inmates (14,689 as of October 2015) are under a first-time offense with no other criminal background. I am one of the 3,876. From personal experience, I know how this measure has been abused, misused and skewed to penalize convicted parties with horrendously unjust sentences.

Measure 11's purpose was to imprison violent and repeat offenders. I do not fit this category, nor am I guilty of the accusations attributed to me. However, by using Measure 11, a sentence of over 30 years was able to be construed from my charges.

Now, at age 50, I begin my second year of incarceration. I search for opportunities to right this wrong. I lost my business, my occupation, my retirement, the world I once knew. I am astonished, dumbfounded and feel quite helpless, and I have found that I am not alone.

For many of us, this is a situation that had never crossed our minds. Cost? My incarceration alone is in excess of \$1 million dollars, and who is paying? You are.

I have spent my adult life building a business, being a supportive and integral part of a community, and I never dreamed my life would take such a tragic turn. I pray I will win my appeal and be able to watch my now 12-year-old son graduate from high school. As for now, my personal devastation of not being an integral part of his growing years is dwarfed by realizing that he is suffering even more than I am since he does not have his dad in his daily life.

So who is winning? The families who have been torn apart, the communities who continue to feel a need to become ever-increasingly politically correct to the point of witch hunting, the citizens of our state who are picking up the tab or is it those (the judges and the DAs) who have found a way to play God? So much for the government's true interest in the well-being of its citizens.

Our justice system is showing signs of breaking down and is in dire need of repair before no one has a fair trial. The proper and intended use of Measure 11 could be the first step in this rehabilitation process.

Rich Gustafson
Umatilla

Editor's note: Gustafson, a former gymnastics coach in Bend, was found guilty of 11 counts of first-degree sex abuse and 20 counts of encouraging child sex abuse. He was sentenced in 2014 to 33 years in prison. He is currently serving his sentence at Two Rivers Correctional Institution.