

## EAST OREGONIAN

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## OUR VIEW

It's a judicial choice,  
not a litmus test

U.S. Supreme Court Justice Antonin Scalia's death Saturday threw another hen into the fox house of 21st-century American politics, giving our political class an unexpected new thing to fight about during an already tempestuous election year.

Although theoretically above politics, the Supreme Court wields incredible power to shape and warp national laws and policies. Appointed for life by the president with the Senate's advice and consent, justices are supposed to stay above the fray. The court is, in essence, the nation's thermostat, relying on the Constitution to moderate the gyrations of elected politicians.

In keeping with their strategy since 2009 of reflexively trying to block President Barack Obama at every turn, Senate Republicans — and the party's slate of presidential contenders — immediately insisted on leaving the now-vacant Supreme Court seat empty until after Jan. 20, 2017, when a new president takes office.

By so doing, Senate Republicans are effectively turning 2016 into an election for both the presidency and the Supreme Court. This is unlikely to rebound in their favor. Most American voters are not driven by the ideological purity tests applied

by GOP activists. The prospect of a President Donald Trump or Ted Cruz naming a key member of the

Supreme Court is likely to increase voter interest in who gets to fill this vacancy. Imagine Trump vetting potential court members for their favorable views on prisoner torture, or Cruz requiring a new

justice who comports with his idea that the U.S. adhere to conservative Southern Baptist doctrine.

As conservative as he was, Scalia was confirmed 98-0 by the Senate. No Democrats opposed him, despite his politics, because our Constitution and traditions give the sitting president authority to appoint who he or she wishes, so long as they are qualified.

Current senate leadership seriously errs in turning this appointment into a political litmus test on the president, who won in 2012 with a 5 million vote majority. Obama should appoint a qualified, rational jurist. The Senate should give this person a fair hearing.

Beyond this, as we have observed in the past, it is time for this president (and all presidents) to make Supreme Court appointments from the West. The court is dominated by a narrow and elite East Coast demographic. Its membership should reflect the nation's geographical diversity.

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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.

## OTHER VIEWS

## The end of occupation

The (Eugene) Register-Guard

Oregonians breathed a sigh of relief when the occupation of the Malheur National Wildlife Refuge finally ended peacefully Thursday, with about the best outcome under the circumstances — no more violence.

There were no real winners, only losers. From both an environmental and human viewpoint, it was a disaster.

A man died and, regardless of how one feels about his politics, it was a needless loss of a human life. From a law enforcement point of view, the killing of Robert "LaVoy" Finicum left an indelible stain on an otherwise successful operation.

The occupiers prevented refuge staff from doing their jobs, putting work, research and habitat at risk. Just how much damage was done, whether the effects will be long-term and how much it will cost to clean up the mess won't be known until the refuge employees can get in to do a thorough assessment.

No one has yet totaled the local, state and federal law enforcement costs accrued over the last six weeks due to the occupation, but these costs will be borne by taxpayers.

The heaviest burden has fallen on the people of Harney and surrounding counties, whose lives were disrupted beyond belief. They were frightened and angered by the occupiers and now have to put their lives and communities back together, including repairing fractured relationships.

Dwight and Steven Hammond, the father and son ranchers whose imprisonment was used by the occupiers as an excuse to seize the refuge, are no better off — and may be worse.

There was some sympathy in Oregon for the men, who after serving prison terms for burning federal land were sent back under mandatory minimum sentencing laws. A number of people, including the judge who originally sentenced them to shorter terms, felt the Hammonds were treated unfairly and hoped they might receive a presidential pardon or other reprieve.

The occupiers, who don't appear to have consulted the Hammonds before barging into Oregon, have likely diminished the chances of that happening.

The chance of a government official or agency doing anything that would allow the occupiers to claim victory, emboldening others, is slim.

The occupiers themselves, led by Ammon Bundy of Idaho, have done themselves no favors. Many now sit in jail, facing federal charges.

Bundy had been looking for a likely target to stage a protest for some time before the Hammonds crossed his radar screen. His decision to target Oregon was the first of a series of poor choices.

He didn't notice that Oregonians do not like outsiders coming in and telling them what to do.

He also badly misread the nature of eastern Oregon conservatism, which is imbued with a love of country, respect for law enforcement and love of their heritage and Oregon's outdoors.

While the Bundy-ites did receive some initial support for drawing attention to ranchers' issues, most people distanced themselves after becoming uncomfortable with Bundy's tactics and philosophy.

The occupiers' harassment of local law enforcement officers and their families, trashing of the refuge, and blatant contempt for the rule of law had more in common with the anarchists of the radical left than with the people of eastern Oregon.

As the occupation wore on, the lengthy criminal records of a number of the occupiers also came to light, further tarnishing the group's image.

The occupiers also badly misjudged the amount of outside support they could expect to receive.

From wild tales of sympathetic members of the military who would be parachuting in during the early stage of the occupation, to increasingly desperate calls asking for thousands of supporters to converge on Harney County, the group found its national army of supporters was a fantasy.

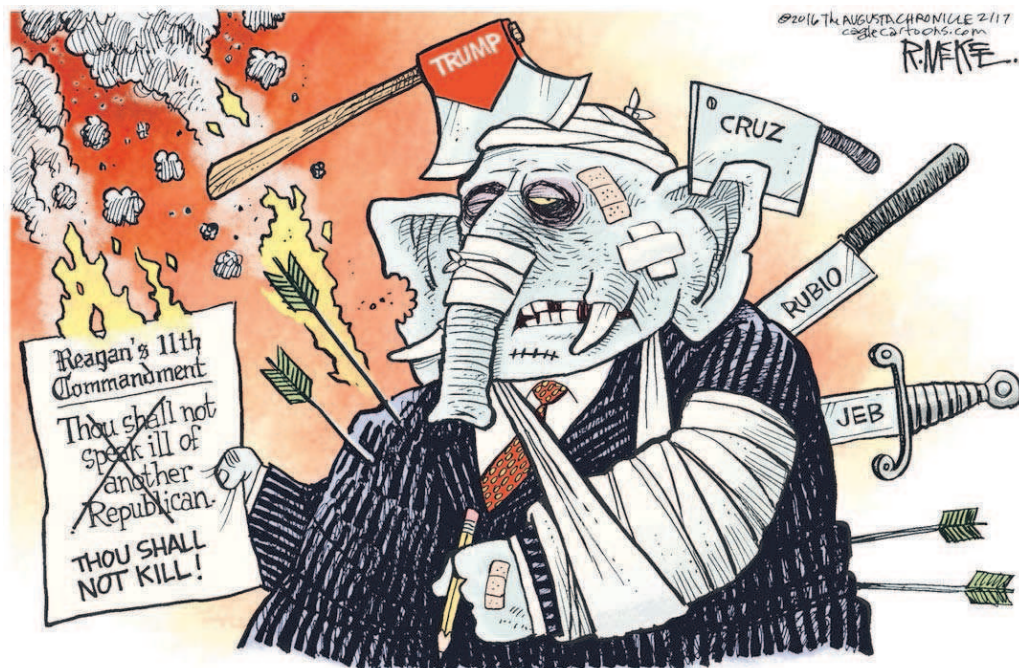
"Where are the people?" one anguished occupier asked. The answer: This vast army of militant supporters existed only in the occupiers' minds, magnified by the echo chamber of the radical rightwing websites they favored.

With the leaders of the occupation now sitting in jail, the ongoing drama has ended.

Probably the closest thing to satisfaction that anyone can claim is felt by law enforcement agencies, whose patient approach was vindicated.

Now, it is left to Oregonians to clean up the mess left by the intruders, and hope that their experience will discourage any further circuses.

## OTHER VIEWS

GOP Iraq battle shines new  
spotlight on Jeb Bush weakness

It's entirely reasonable to say the war in Iraq was a disaster. Maybe you disagree, or maybe you think that's too harsh, but it's an arguable proposition.

To Jeb Bush, though, it's an attack on his family, and therefore out of bounds.

When Donald Trump attacked the war as a "big fat mistake" during the recent debate in South Carolina, and went on to say that "they" — the George W. Bush administration — lied about weapons of mass destruction, Jeb took it personally.

"I am sick and tired of him going after my family," Bush said as Trump stood nearby.

The Iraq war affected a lot of Americans.

More than 1 million U.S. military men and women served in Iraq after the 2003 invasion. A total of 4,495 died, while 32,223 were wounded. Their families were affected. Their communities were affected. And, of course, all Americans have an interest in a war's success and the furtherance of U.S. national interest.

In other words, the effects of the Iraq war extend far beyond the confines of the Bush family. But Jeb Bush, in public at least, takes an attack on the war as an attack on his mom and his dad and his brother. When Trump struck, here is what Bush said in response:

"I am sick and tired of him going after my family. My dad is the greatest man alive, in my mind. And while Donald Trump was building a reality TV show, my brother was building a security apparatus to keep us safe. And I'm proud of what he did. And (Trump) has had the gall to go after my mother. Look, I won the lottery when I was born 63 years ago, looked up, and I saw my mom. My mom is the strongest woman I know."

Some of that is simply non sequitur — one man says the war was a mistake, and the other answers that his mother is a great woman. But Bush's words, more than anything, showed that he is unable to separate momentous national events, or at least this particular momentous national event, from his own familial bonds.

A few seconds later, Marco Rubio, whose father and brother were not president of the United States, gave a more concise and focused defense of the George W. Bush administration than Jeb did.

And the next day, Jeb did it again. His campaign sent out an email headlined "Donald crossed a line." Did he mean Trump had wrongly attacked the war? No, he meant Trump had attacked his family:

"Friend — Last night, Donald Trump came after my family yet again. But I told him I was sick and tired of it, and put him in his place.

"But even I was surprised to hear him attack my brother, George W. Bush, over 9/11.

"Donald showed once more he cannot be the Republican Party's nominee.

"Here is the truth: George kept us safe."

BYRON YORK  
Comment

As the son and brother of presidents, Bush's very presence in the Republican race is extraordinary. He began the campaign with a dynastic problem, noted by his mother, who, in 2013, praised Jeb's qualifications but said of the 2016 race, "There are other people out there that are very qualified, and we've had enough Bushes."

As the race has progressed, the many difficulties of the Bush campaign drew attention away from the dynastic problem. But it is still there.

And Bush's family ties apparently make it difficult, if not impossible, for Jeb to grapple with a question like the war in Iraq, which, given the situation with ISIS, Syria and the rest of the Middle East, remains a serious issue in the presidential campaign.

What's odd is that George W. Bush, who started the Iraq war, has delved deeply and painfully into its origin and impact. "The reality was that I had sent American troops into combat based in large part on intelligence that proved

false," W wrote in his memoir. "I had a sickening feeling every time I thought about it. I still do."

In addition, George W. Bush has spent thousands of hours with veterans and military families. And he has not tried to shield himself when some are angry.

In her own book, former White House press secretary Dana Perino told the story of accompanying Bush, as president, to a military hospital, where he met a grief-stricken woman whose son was dying of war wounds:

"She yelled at the president, wanting to know why it was her child and not his who lay in that hospital bed.

"Her husband tried to calm her and I noticed the president wasn't in a hurry to leave — he tried offering comfort but then just stood and took it, like he expected and needed to hear the anguish, to try to soak up some of her suffering if he could."

On the trip back to the White House, the presidential entourage was silent, until Bush finally said, "That mama sure was mad at me. And I don't blame her a bit."

But that's George W. Bush. Jeb Bush certainly knows the intensity of the feelings involved — he has sometimes talked of, as governor of Florida, comforting the families of Floridians killed in Iraq. But in this campaign, Jeb repels attacks on the war as assaults on family.

The legacy of Iraq is difficult. Republicans have mostly refrained from debating it amongst themselves, at least in public. But Trump has changed that. And in the process he has revealed the deepest flaws in Jeb Bush's presidential candidacy.

Byron York is chief political correspondent for The Washington Examiner.

## YOUR VIEWS

Minimum wage increase will  
hurt small businesses

My small business employs 20 people in the \$10 to \$15 per hour range, with over 2,400 hours worked per month. The \$3 per hour increase will cost me \$7,200 per month, or \$86,400 per year.

Some say I can pass the increase on to customers, but my prices are controlled by vendors and the Internet. The profit is gone, the service I provide is gone. The space I occupy will be vacant.

I suppose I could let four employees go and drop my contribution to the medical plan, which will hurt my remaining employees. I could reduce the amount of donations to the community. These are tough choices.

The proposed wage increase directly impacts me and my employees. The proposed minimum wage hike is nothing more than a tax that will hurt a select group of businesses and employees. My story is not uncommon and it will be replayed throughout the state.

I hope the people in Salem can come up with a plan the more evenly distributes the pain associated with the objective of a more just society.

David Pietka,  
PortlandRanchers no longer have free  
access to open range

What used to be called "Open Range" under the individual states' jurisdiction has been pulled under federal control such as the Department of Interior, and subjected to land management — BLM and the U.S. Forest Service. The ranchers who used the free land and water as open range were fenced out from both to protect the natural resources, and are now even restricted in some cases to access to water on their own land by the EPA.

When the farmers and ranchers complained they were shut down, and came to realize they didn't have a forum to voice their opinion. They are now being told by Bureau of Safety and Environmental Enforcement that their livestock was fouling the water and destroying wildlife. The farmers and ranchers have tried to assemble many protests, from such peaceable protests as massive convoy caravans to music like the Woodstock Festival to gain the general population's ear, but they were easily labeled as law breakers, terrorists, militants, occupiers and armed troublemakers.

Now we have state officials stepping on the Tenth Amendment to agree with the federal government's actions, and being labeled as terrorists without regard to their Second Amendment rights.

Frank Vincent, Hermiston

## LETTERS POLICY

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