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OUR VIEW

Advocating within the limits

Ethics accusation against Ammon Bundy's lawyers should prompt a look at the rules

The complaint filed by Clatsop County District Attorney Josh Marquis is a fascinating skirmish in a long-running battle within the legal profession over the proper boundaries between acceptable advocacy for clients and unacceptable efforts to manipulate public opinion and trial outcomes.

It is Marquis' opinion that attorneys for Malheur National Wildlife Refuge militant Ammon Bundy are improperly seeking to prejudice future jurors in a pending federal prosecution.

Despite a common public perception that all lawyers do whatever it takes to win, the truth is that a majority of practicing attorneys are rather restrained in pushing ethical boundaries. Aside from personal integrity, most recognize there can be a steep professional price for being viewed by colleagues, judges and potential clients as unethical.

However, high-profile cases like the Bundy defense can entice lawyers to push the limits. Television viewers are being reminded of some of these tactics right now in the program "The People v. O.J. Simpson: American Crime Story." The mini-series

and the 1994-95 trial on which it is based are something of a master class in using news and entertainment media to manipulate public attitudes. Even before the O.J. case, celebrity lawyers like Gerry Spence were teaching courses

on how to stack the deck for clients long before cases arrive in the courtroom.

Beyond aggressively working on behalf of clients, press exposure in the course of major cases can be a career-maker for attorneys. Particularly in a profession that only in the past couple decades has begun

doing much paid advertising, the free publicity obtained by holding news conferences and sending out press releases is the gold standard of self-aggrandizement.

The lawyer who Bundy's lawyers have hired to defend them on the ethics complaint makes valid points. Oregon's rules set "a much higher bar than most other states before pretrial publicity is considered a threat to a fair trial." This will make it difficult for Marquis' complaint to prevail.

It's time for Oregon to take a harder look at this matter. It is easy to imagine lawyers increasingly testing the limits — for their clients' sakes, and for their own.

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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.

Coal-free Oregon is a healthier place

By **CARRIE NYSSSEN**

American Lung Association

Oregonians are often surprised to know our state still gets one-third of our electricity from coal. Using coal to generate our electricity contributes to increased rates of cardiac disease, stroke, asthma, and neural and pulmonary developmental disorders in children. As long as coal power plants continue to generate electricity and generate pollution, Oregonians will continue to feel the health impacts of climate change, like more visits to emergency rooms during heatwaves and more asthma attacks.

Climate change is here and happening in Oregon. Our state experienced one of the most devastating and costly wildfire seasons in its history; drought-ridden Eastern Oregon was particularly impacted. We are seeing higher pollen counts and increased ozone levels, all of which make life for people with lung disease and allergies unbearable and dangerous.

Low-income Oregonians are among the most vulnerable to pollution; those with an annual income of less than \$15,000 have the highest percentage of asthma. Communities of color are also among the most affected: African Americans and Native Americans have higher rates of asthma in Oregon than other racial or ethnic groups.

Healthy air is critical to the health of our families and our communities. Oregon's adult asthma rate is higher than the national average. Healthy air is not only a priority for those with asthma, but also for our youth and our elderly.

New research highlights the link between climate change and public health, making climate change an urgent priority for the American Lung Association in Oregon. This past spring, the White House issued its latest National Climate Assessment, offering the most comprehensive and extensively reviewed analysis of climate change impacts on the U.S. to date. The NCA dedicated an entire chapter to identifying the devastating health consequences linked to uncontrolled climate pollution. One of the worst contributors to climate change is coal-fired power plants.

But here's the good news for Oregon: a bill is currently underway in the Oregon legislature that can establish a cleaner, healthier way for our state to make electricity. The Clean Electricity & Coal Transition bill will move Oregon off of dirty coal energy by 2030 and increase our use of clean, renewable energy to 50%. This legislation was proposed by a broad group comprised of clean energy advocates, ratepayer advocates, environmentalists and electric utilities.

Going coal free, combined with our existing hydropower, means Oregon will run on more than 80 percent clean energy with no health-harming emissions. The carbon reductions from going coal free are real, measurable and substantial. The Oregon Global Warming Commission estimates this bill would cut the carbon footprint of our state's two biggest utilities in half — the equivalent of taking 6.4 million cars off the road.

We know that Oregon has a unique opportunity to show the world how the transition to renewables is good for public health. We have the opportunity to lead and join others in a growing movement. States like Colorado, Hawaii, California, Vermont and New York all have aggressive standards for renewable energy. Many countries around the world are also making this shift. Iceland and Denmark already produce 100 percent of their electricity from renewables. If it's possible for Denmark, with 1.5 million more people than Oregon, to make the switch we know it's possible for us.

Transitioning to renewable energy is the right thing to do, and urgently needed to protect the health of our communities — particularly our children, our elderly and others more vulnerable to the climate impacts because of existing health conditions. We're bearing witness to the growing public health challenges around Oregon. Together we can support Oregon's transition to a clean energy and protect our families and our communities in the place we love to call home.

Carrie Nyssen is the vice president of advocacy and air quality for the American Lung Association in Oregon.



OTHER VIEWS

From Obama to Trump

The spectacle of the Republican Party's Trumpian meltdown has inspired a mix of glee and fear among liberals — glee over their rivals' self-immolation, and fear that what arises from the destruction will be worse.

What it hasn't inspired is much in the way of self-examination, or a recognition of the way that Obama-era trends in liberal politics have helped feed the Trump phenomenon.

Such a recognition wouldn't require letting the Republican Party off the hook. The Trump uprising is first and foremost a Republican and conservative problem: There would be no Trumpism if George W. Bush's presidency hadn't cratered, no Trumpism if the party hadn't alternated between stoking and ignoring working-class grievances, no Trump as front-runner if the party leadership and his rivals had committed fully to stopping him before now.

But Trumpism is also a creature of the late Obama era, erupting after eight years when a charismatic liberal president has dominated the cultural landscape and set the agenda for national debates. President Barack Obama didn't give us Trump in any kind of Machiavellian or deliberate fashion. But it isn't an accident that this is the way the Obama era ends — with a reality TV demagogue leading a populist, nationalist revolt.

First, the reality TV element in Trump's campaign is a kind of fun-house-mirror version of the celebrity-saturated Obama effort in 2008. Presidential politics has long had an escalating celebrity component, a cultish side that's grown ever-more-conspicuous with time. But the first Obama campaign raised the bar. The quasi-religious imagery and rhetoric, the Great Man iconography and pillared sets, the Oprah endorsement and Will.i.am music video and the Hollywood stars pledging allegiance — it was presidential politics as one part Aaron Sorkin-scripted liturgy, one part prestige movie's Oscar campaign.

And it worked. But because it worked, now we have the nearly-inevitable next step: presidential politics as a season of "Survivor" or, well, "The Apprentice," with the same celebrity factor as Obama's '08 run, but with his campaign's high-middlebrow pretensions stripped away. If Obama proved that you can run a presidential campaign as an aspirational cult of personality, in which a Sarah Silverman endorsement counts for as much as a governor or congressman's support, Trump is proving that you don't need Silverman to shout "the Aristocrats!" and have people eat it up.

He's also proving, in his bullying, overpromising style, that voters are increasingly habituated to the idea of an ever more imperial presidency — which is also a trend that Obama's choices have accelerated. Having once campaigned against his predecessor's power grabs, the current president has expanded executive authority



ROSS DOUTHAT
Comment

along almost every dimension: launching wars without congressional approval, claiming the power to assassinate U.S. citizens, and using every available end-around to make domestic policy without any support from Congress.

In the process, he's cut the legs from under principled liberal critiques of executive power, and weakened the American left's role as a bulwark against Caesarism. Which makes it altogether fitting — if deeply unfortunate — that his reward is the rise of a right-wing Caesarist whose authoritarian style and outrageous promises make George W. Bush look like Cato the Younger.

And that Caesarist, crucially, is rallying a constituency that once swung between the parties, but that the Obama White House has spent the last eight years slowly writing off. Trump's strongest supporters aren't archconservatives; they're white working-class voters, especially in the Rust Belt and coal country, who traditionally leaned Democratic and still favor a strong welfare state. These voters had been drifting away from the Democratic Party since the 1970s, but Obama has made moves that effectively slam the door on them: His energy

policies, his immigration gambits, his gun control push, his shift to offense on same-sex marriage and abortion. It was possible to be a culturally conservative skeptic of mass immigration in the Democratic Party of Bill Clinton. Not so anymore.

Of course this process has been a two-way street, as bigotry inclined some of these voters against Obama from the start, or encouraged them to think the worst of him eventually. And political coalitions shift all the time: There's nothing inherently wrong with the Obama White House's decision that a more ethnically diverse and thoroughly liberal coalition held more promise than continued efforts to keep Reagan Democrats in the fold. (Though Democrats in Congress and statehouses might be forgiven for doubting the decision.)

But liberalism still needs to reckon with the consequences. As in Europe, when the left gives up on nationalism and lets part of its old working-class base float away, the result is a hard-pressed constituency unmoored from either party, and nursing well-grounded feelings of betrayal.

Hence Marine Le Pen and the nationalist parties of Europe. And hence, now, Donald Trump.

He is the Republican Party's monster, yes. But what he represents is also part of the Obama legacy — a nemesis for liberal follies as well as conservative corruptions, and a threat to both traditions for many years to come.

Ross Douthat joined *The New York Times* as an Op-Ed columnist in April 2009. His column appears every Sunday.

YOUR VIEWS

States should be allowed to purchase federal land

It seems fairly obvious that local governments would better manage forest land within their jurisdictions than the federal government, but some activist organizations are still pushing for federal control.

In Oregon, the federal government controls more than 53 percent of the land through a confusing patchwork of agencies like the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management. Much of the land is designated as part of a national park, and, as such, most industrial activities are banned. Opening up a small portion of this land for logging and mining activities, as specified in the State National Forest Management Act of 2015, would help replace some of the 1,200 jobs

lost over the past 25 years to mill closures.

Yet, for some reason, Trout Unlimited is voicing opposition to this common-sense bill that would allow states to purchase back just a small percentage of national forest land from the federal government. Trout Unlimited claims to be a conservation organization for anglers, but its national office in the Washington, D.C., area has taken tens of millions of dollars from out-of-state environmental interests, according to tax records. These radical environmentalists have launched concerted attacks on mines and logging operations in other states, and now it appears they are trying to do the same in Oregon — without regard for the local economic damage.

Will Coggin, research director
Environmental Policy Alliance
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LETTERS POLICY

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