

EAST OREGONIAN  
Founded October 16, 1875

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OUR VIEW

# Online privacy takes a hit from Congress

Congress did American consumers a great disservice last week when it dismantled an online privacy regulation that would have prevented internet service providers such as Comcast, AT&T and Verizon from selling the browsing habits and other information about their customers.

The move came in a bill sent to President Donald Trump that will kill a Federal Communications Commission rule that was issued in October and was designed to give consumers greater control over how internet service providers share information. The rule was scheduled to go into effect later this year, and the decision essentially reverts to the status quo rather than giving consumers additional protections that the Obama administration sought before leaving office.

The decision was decried by consumer groups and Democrats but lauded by most Republicans and telecom companies. The 215-205 vote in the House, though, was closer than many expected with 15 Republicans siding with the Democrats in the failed effort to keep the rule in place. The Senate had already voted to repeal it and Trump is expected to sign the bill despite the American Civil Liberties Union's populist appeals for a presidential veto.

Opponents of the rule argued that ISPs like Comcast and AT&T should not face more stringent privacy rules than online companies such as Facebook and Google, which collect user information and generate billions of dollars selling it.

Privacy proponents, however, countered that ISPs are far different because they have access to users' full web browsing habits, what devices and applications they use, their online locations along with their physical addresses, their financial information and even whom they exchange emails with. That robust amount of information

is particularly useful for marketers to craft highly targeted ads, which is part of the fundamental business model of many online companies.

With the repeal, internet providers won't be required to notify customers they collect data about or even ask permission beyond a user's initial approval of the terms of service agreement. As a result, many people may not even realize their patterns and profiles are being brokered.

So what steps should online users and consumers take?

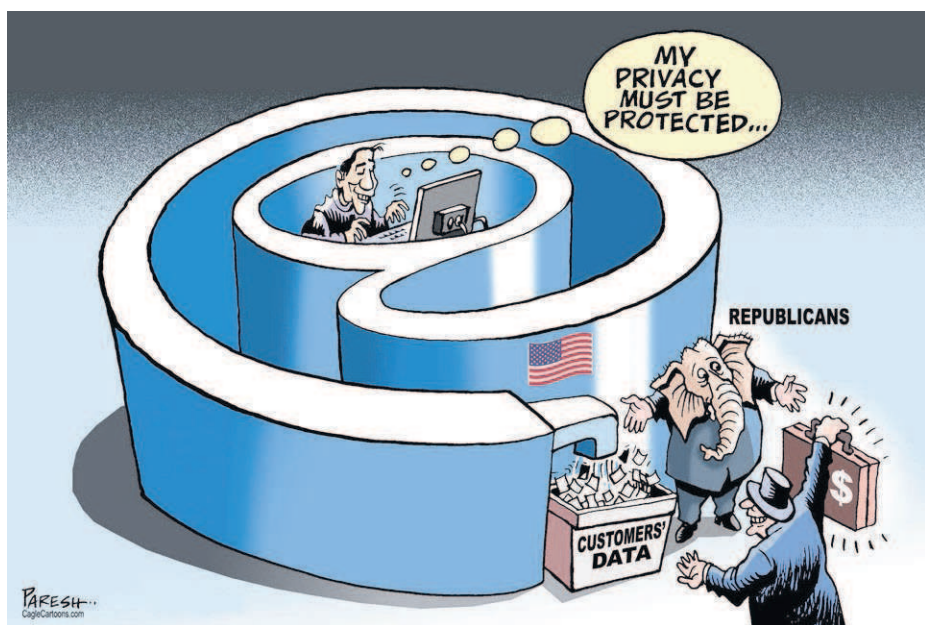
Privacy experts recommend consumers thoroughly familiarize themselves with the privacy policy of their ISP and specifically try opt out of data collection.

Another potential option is to use a Virtual Private Network, which provides private end-to-end internet connections and are typically used to keep out snoops when using public Wi-Fi. There are free and paid-for VPN providers, but they are also in a position to track online activities. Choosing a trustworthy provider, as Wired.com points out, can be a "tricky thing to confirm." Additionally, VPN privacy protections are limited because once a user logs into a website like Netflix or Amazon, those sites track users' activities so they can suggest tailored products and services.

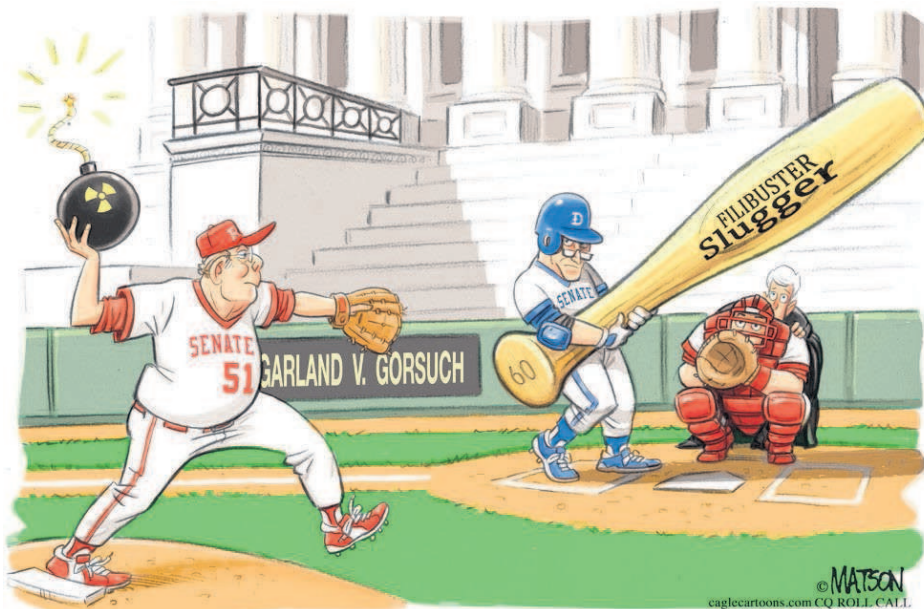
According to Nuala O'Connor, president and CEO of the Center for Democracy & Technology, a non-profit digital rights group, the best course of action for those concerned about what's collected about them is to practice "digital privacy hygiene" by giving as little information as possible when doing things online, to minimize the digital footprint available to companies.

Importantly, if there was any question before, consumers should now know that Congress isn't on the side of their online privacy protection.

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



FIRST PITCH OF THE SEASON

# How to end the politicization of the courts

Mainstream news coverage has a hard time making subtle distinctions between the behavior of the two political parties. When Democratic and Republican tactics are blatantly different — on voter suppression, for instance — journalists are often comfortable saying so. And when the parties act similarly — both soliciting large donors, say — journalists are good at producing "both sides do it" stories.

But when reality falls somewhere in between, the media often fails to get the story right. Journalists know how to do 50-50 stories and all-or-nothing stories. More nuanced situations create problems.

The 2016 campaign was a classic example. Hillary Clinton deserved scrutiny for her buckraking speeches and inappropriate email use. Yet her sins paled compared with Donald Trump's lies, secrecy, bigotry, conflicts of interest, Russian ties and sexual molestation. The collective media coverage failed to make this distinction and created a false impression.

Now the pattern is repeating itself, in the battle over the federal courts.

Democrats are on the verge of filibustering Neil Gorsuch's Supreme Court nomination. If they do, Mitch McConnell, the Republican Senate leader, has signaled that he will change the rules and bypass the filibuster. The move may change the nominating process for years to come.

Much of the media coverage has described the situation as the culmination of a partisan arms race: Both sides do it. And that description is not exactly wrong. Democrats have engaged in some nasty judicial tactics over the years.

Most famously, they blocked the highly qualified, and extremely conservative, Robert Bork from joining the Supreme Court in 1987. Democrats also blocked a few qualified George W. Bush nominees to lower courts, like Miguel Estrada and Peter Keisler.

But if judicial politics isn't an all-or-nothing story, it's also not a 50-50 story. Too much of the discussion about Gorsuch's nomination misses this point.

Anecdotes aside, Republicans have taken a much more aggressive, politicized approach to the courts than Democrats. The evidence:

- Republicans have been bolder about blocking Democratic nominees than vice versa.

The failure rate of Democratic nominees to federal trial courts since 1981 has been almost twice as high as the Republican failure rate: 14 percent versus 7 percent. There is also a gap among appeals court nominees: 23 percent to 19 percent.

The gap between the parties would be even larger if Democrats hadn't eliminated the filibuster on lower-court nominees in 2013, allowing Barack Obama finally to fill more judgeships. Even so, Trump has inherited a huge number of vacancies.

The numbers above (which I put together



DAVID LEONHARDT  
Comment

thanks to Russell Wheeler of the Brookings Institution) apply only to two-term presidents, to keep comparisons consistent. But the sole recent one-term president makes the point, too: In 1990, a Democratic Congress created dozens of new judgeships, even though George H.W. Bush could then fill many.

Can you imagine Republicans expanding the judiciary for a Democratic president?

- Republican nominees have been less centrist than Democratic nominees.

Republican activists have built a strongly conservative network of judicial candidates. Democratic candidates are more idiosyncratic. Some are more sympathetic to prosecutors, others to the defense. Some are more pro-business than others.

No wonder, then, that Samuel Alito, Clarence Thomas and Antonin Scalia are among the most conservative justices ever, according to research by Lee Epstein of Washington University. By contrast, every Democratic-nominated justice of the last 50 years has been closer to the center.

- Merrick Garland, Merrick Garland, Merrick Garland.

The Republicans' strategy has been straightforward. They have tried to deny Democratic presidents a chunk of judgeships, hoping the nominations will roll over. Then Republicans have made sure their nominees are very conservative.

The strategy reached its apex last year, when the Senate blocked Obama from filling a Supreme Court vacancy, even with the highly qualified, and notably moderate, Garland. It was unprecedented. Republicans set out to flip a seat and succeeded. Now the Senate is preparing to confirm Gorsuch, likely to be another historically conservative justice.

Republicans are bragging a lot about Gorsuch's qualifications, which are legitimate. But this debate isn't really about qualifications. If it were, Gorsuch wouldn't have been nominated, because Garland would be on the court.

What can Democrats, and anyone else who laments legal politicization, do about it? Absorb the lessons of game theory.

Republicans have benefited from their partisan approach. They won't stop just because Democrats ask nicely and submit to Gorsuch. Democrats are right to force McConnell to be the one who takes the partisan step of eliminating the Supreme Court filibuster. Likewise, Democrats should be aggressive in blocking Trump nominees to lower courts.

Paeans to bipartisanship may sound good, but in this case they don't ultimately promote bipartisanship. Right now, the status quo is working quite well for one of the two parties. The country won't return to a less politicized judiciary until both parties have reason to want it.

David Leonhardt is an op-ed columnist for The New York Times.

YOUR VIEWS

## Bond would increase capacity by 24 percent

Voters in Hermiston will have an opportunity to vote on May 16 to authorize a \$104 million school capital improvement bond. I am writing today to encourage readers to vote in favor of this bond.

Hermiston School District has been dealing with significant enrollment growth for the past several years. Predictions from the Portland State University population study commissioned by the district suggest that enrollment in Hermiston's schools could increase by as much as 24 percent, or 1,100 students, in the next seven years. In schools where capacity is already a significant concern at current levels, adding this number of students would create significant challenges for educators and students alike.

Adding even more temporary classroom space in the form of modular buildings is not a sustainable way to accommodate this enrollment growth. Based on the PSU estimates, an additional

56 modular classrooms would be needed to accommodate anticipated student growth. The infrastructure at our oldest schools is not designed to handle the additional students housed in modular classrooms. Cafeterias, libraries, and other common spaces in schools are not equipped to handle the additional number of students above and beyond the original designed capacity in each building.

Additionally, funds to either purchase or lease modular buildings and install them at each location come directly out of the district's general fund. Adding more modular classrooms could directly impact the educational program of the district, potentially leading to staffing reductions, delaying important curriculum adoptions, and possibly leading to the reduction or elimination of important programs that enhance student achievement.

Please join me in voting yes for the Hermiston School Bond on May 16.

Josh Goller, member  
Hermiston School District Board

## Bond will keep Hermiston growing

As long-time Hermiston residents, our five children were raised in this community and educated in Hermiston School District schools from kindergarten through grade 12.

From the time our oldest child entered first grade through the graduation of our youngest — a 27-year span — we joined many other parents and community members and proudly volunteered alongside teachers, staff and HSD officials as they worked to ensure that the community's expectation of quality education would be fulfilled. And, when faced with harsh realities of failing infrastructure in old facilities and exploding student populations, the Hermiston community has stepped up, passing bonds that built new schools and modernized other existing schools to extend their years of useful life.

Hermiston, now the largest community in Eastern Oregon, continues to grow — in jobs, new

businesses, and record enrollment numbers. Since 2008, when the last bond passed, enrollment of more than 600 new students has pushed existing Hermiston facilities to capacity and necessitated the use of more and more modular classrooms at elementary school campuses.

The proposed HSD bond will deal with these enrollment growth issues as well as addressing aging infrastructure and safety and security needs. In 2015, an independent safety audit of HSD schools by the Hermiston Police Department found that the district's two oldest facilities, Rocky Heights (built in 1962) and Highland Hills Elementary (built in 1980), failed to meet current safety standards.

The horrors of Sandy Hook and other school tragedies closer to home highlight the importance of making our schools as safe as they can be. This bond allows for replacement of Rocky Heights and Highland Hills and construction of a new elementary school on district-owned property. Building designs will incorporate elements that better control access to campus

and classrooms and limit numbers of doors to outside for greater safety of students, faculty, and staff.

The bond will also address deferred maintenance and replacement of failing heating and cooling systems at Sandstone Middle School and fund expansion and safety/access project at Hermiston High School.

This school bond is an investment in the future of our growing community and will provide safer and more accommodating learning environments for Hermiston students for years to come. Please join us in voting yes for Hermiston School District Bond this May.

Steve and Kathy Eldridge  
Hermiston

LETTERS POLICY

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