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**OUR VIEW**

# WOTUS rejection a victory for landowners

You can add our voice to those cheering a decision by the Environmental Protection Agency and the Army Corps of Engineers to propose a rule to rescind the 2015 Clean Water Rule meant to define waters of the United States that are regulated under the Clean Water Act.

WOTUS is on its way out. It's a victory for landowners against the power of the administrative state.

EPA and the Corps worked on the rule for a couple of years in the hopes of reconciling two separate Supreme Court decisions in cases involving the Clean Water Act. The object was to better define what constitutes "waters of the United States," which the act gives the federal government authority to regulate.

The language of the rule extended regulation to isolated bodies of water that have a "significant nexus" with navigable waters of the United States. The rule left it to the bureaucrats to determine that nexus, and that rightly made farmers and ranchers nervous.

Despite their attempt, the final regulation brought little of the clarity it purported to provide.

Farm and ranch groups worried, despite the government's protest to the contrary, the feds would use the opportunity to expand their authority over "waters," and therefore adjacent lands, not previously subject to regulation under the Clean Water Act. Such a designation could have profound and expensive consequences for landowners.

Even the Corps had its doubts. Unhappy with the way EPA wrote the document, it wrote a scathing

email to EPA officials prior to the release of the final draft. Among its complaints was a claim that in extending regulation to isolated bodies of water that have a "significant nexus" with navigable waters of the United States, but

defining such bodies as having "no hydrological connection with navigable waters," made it unlikely the agencies could establish a nexus that would withstand a court challenge.

When the rule was released in 2015, a number of states and industry groups sued. Notably, one lawsuit was filed

by Scott Pruitt — then attorney general of Oklahoma and now the Trump administration's EPA director.

Jurisdictional disputes arising from those lawsuits resulted in a stay of the rule's implementation by the Sixth U.S. Circuit Court of Appeals in October 2015. The Supreme Court will take up the case later this year, but will decide only the jurisdictional issues, not the merits of the rule's interpretation of what constitutes "waters of the United States."

Fulfilling a campaign promise, President Trump in February issued an executive order for a review of the rule.

Getting rid of the rule as written is a good first step in reducing the reach of the administrative state. But that's not enough, because it will leave unresolved the ambiguity created by the disparate Supreme Court rulings. Farmers, ranchers and regulators need clear, unambiguous guidance on the true extent and limit of the government's authority.

On that point the next rule must be quite clear.

**WOTUS is on his way out — it's a victory for landowners against the power of EPA and the administrative state as a whole.**

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**

## Barreto votes for own good, not good of district

I am still seething that our honorable representative Greg Barreto decided to vote no on the state transportation package.

I have no idea what he was thinking when he did that, but Eastern Oregon gets so little in the way of highway funds that had I been the representative from this district I would have voted yes and made sure that my district had funding for all their projects like the full cloverleaf interchange at exit 209 and paving or repaving of any and all city streets, etc.

If something isn't done to improve exit 209 there will be a major wreck there with many casualties and a large lawsuit, thanks to the fact that there wasn't the money to do it right in the first place.

I'm sure that La Grande and Cove have highway projects that they need funding for that, had he lobbied for funding, would have gotten done.

But no, he thought more of his conservative Republican values than he did the good of the district.

I believe that it is time that he get voted out of office and that the district get someone in there who will think more about the district than they do themselves. He has been in office for two terms and the only thing that I've seen he did was to get the speeds

on Interstate 84 and Highway 395 increased.

Isn't it time that we elect someone to that seat that will fight for Eastern Oregon's share of state money so that Eastern Oregon can grow like the valley has? I think so, and I am willing to fight to get him out of office and elect someone in who cares about the good of the district, not his own pocketbook.

**Barbara A. Wright**  
Pendleton

## No matter who's asking, vote against new taxes

It seems that the lust for more property taxes just never ends.

Now I read in the *East Oregonian* that Oregon State University wants to tax property owners in Umatilla and Morrow counties for some education programs.

The early information on this is that it would tax property at 33 cents per \$1,000 or \$577.50 annually on a \$175,000 property. This, of course, is preliminary as we all know things change and always go up.

These folks say that the return on investment is "high-value operations that require a high level of sophistication." If you believe that poor information, then I have a bridge to sell you.

Just vote no on more taxes.

**Jim Tiede**  
Hermiston

**OTHER VIEWS**



## Liu Xiaobo and China's decline

Liu Xiaobo, the dissident writer who became China's first Nobel Peace laureate when he won the prize in 2010, died in state custody Thursday, having spent almost the last nine years of his life in prison. His death is a tragedy and an outrage. It's also a warning to his jailers.

To wit: No nation that defames and imprisons its best people is going to become great. No country that is afraid to let a man such as Liu speak freely can possibly be described as strong. Regimes that are fearsome are brittle, too.

That's a thought that ought to vex those China enthusiasts who for years have been predicting that the country's rise to global primacy is merely a matter of time. This is geopolitical analysis by way of grade-school math: If the United States, with a gross domestic product of \$18.6 trillion, continues to grow at its current sub-2 percent rate a year, and China, with a GDP of \$11.2 trillion, grows at its plus-6 percent rate, then China will overtake us in about a decade.

Tick-tick-tick.

Then again, there's a difference between trend and truth. The economist Paul Samuelson predicted in 1961 that the Soviet economy would surpass the United States' sometime between 1984 and 1997. Japan's GDP was expected to overtake the United States' by the year 2000. The European Union was another supposed contender for dominance.

Should China be any different from these also-rans? China's official growth rate has slowed every year this decade; it's now at its lowest point since the era of the Tiananmen Square massacre. Bad loans at Chinese banks are at a 12-year high, while productivity growth is at a 16-year low, according to Bloomberg. China's working-age population is shrinking and lost nearly 5 million people in 2015 alone. Capital outflows from China hit \$640 billion last year; China's upper and middle classes are voting with their real-estate choices.

All this could mean nothing more than that China, like an athlete growing old, is tracing the same arc of most other economies that emerge quickly from poverty only to stall out thanks to rent-seeking elites, rising factory wages, demographic imbalances and so on. This is called the middle-income trap, and as the World Bank noted a few years ago, "of 101 middle-income economies in 1960, only 13 became high-income by 2008."

For China, however, things are likely to be worse. Why? Liu Xiaobo knew the answer.

Westerners besotted by the "rising China" hypothesis often make the case that while the country's human-rights record is lamentable, it has no bearing on its economic future. Economies, they say, run on inputs, not values. If anything, they believe that China's

dictatorship confers advantages in efficiency and decisiveness that fractious democracies can only dream about.

It's an odd argument. Autocracies are sometimes rich but never modern. Efficiency can mean doing dumb things quickly. Political control over economic resources is a recipe for corruption and capital misallocation. To this day Beijing treats its economy as an extension of state propaganda, manufacturing statistics and mistaking

trophism for development.

The core mistake is to assume that values aren't inputs. "The process of abandoning the 'philosophy of struggle' was also a process of gradual weakening of the enemy mentality and elimination of the psychology of hatred," Liu wrote in a courtroom statement that would become his Nobel lecture (delivered in absentia).

"It was this process," he added, "that provided a relaxed climate, at home and abroad, for Reform and Opening Up, gentle and humane grounds for restoring mutual affection among people and peaceful coexistence among those with different interests and values, thereby providing encouragement in keeping

with humanity for the bursting forth of creativity."

Creativity requires freedom. Ideas need room to compete and collide, free of social and legal penalties. As economies approach the creative frontier, the need for freedom expands commensurately. The gap between available information and necessary information needs to be as narrow as possible. Much of what is economically necessary information is also political information, making censorship and repression incompatible with the requirements of a dynamic economy.

Liu understood that the Chinese model of economic modernization without political reform was destined to fail: The insight is at the heart of the Charter 08 manifesto that landed him in prison. "The decline of the current system has reached the point where change is no longer optional," it warned.

As if to prove it really didn't get the point of Liu's teachings, Beijing moved quickly to censor stories about him and expressions of sympathy on the internet. But at least one pointed anonymous message got out to *Wall Street Journal* reporter Nicole Hong. China boosters, take note:

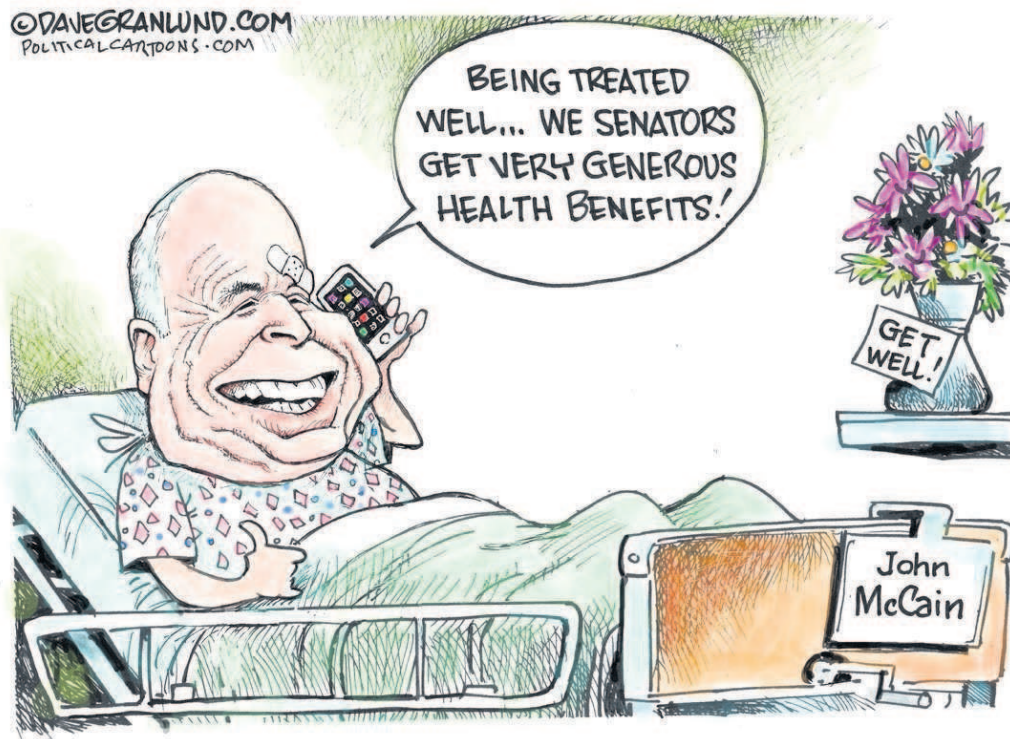
You want to bury him  
bury into the dirt  
but you forget  
he is a seed.

■  
*Bret Stephens won a Pulitzer Prize for commentary in 2013. He began working as a columnist at The New York Times in April.*



**BRET STEPHENS**  
Comment

**No country that is afraid to let a man such as Liu speak freely can possibly be described as strong.**



**LETTERS POLICY**

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