

Trump will protect American farmers from China's trade retaliation

In 2011, a group of Chinese nationals dug up genetically engineered seeds from an Iowa corn field and planned to steal and send them back to China, so they could be reverse engineered. Those seeds, the result of years of research and millions of dollars of American investment, now stand as one of countless pieces of evidence in the case against China for intellectual property theft and unfair trade practices.

Now, President Donald Trump is standing up to China, which wrongly believes it can bully our farmers to get America to back away from defending our national interests. The president understands that our farmers feed, fuel and clothe this nation and the world, and he will not allow U.S. agriculture to bear the brunt of China's retaliatory tactics.

American producers have benefited from the policies of the Trump administration,

including historic tax reforms and reduced regulations. And farmers know that 20 cents of every dollar of their income relies on trade, which is why they are watching the situation with China closely. The simple truth is that when trading partners break the rules, there must be consequences.

Pressuring China

To stop China's predatory attacks on America's innovation base, President Trump is instituting a program of tariffs and is considering investment restrictions and strengthened export controls. These tariffs will help pressure the Chinese to stop engaging in unfair practices and fully open up its markets to U.S. products, including U.S. technologies. The correct response from China would be to stop stealing from Americans and give American products a level playing field to compete in China, not to retaliate

and reinforce its own position.

There is no denying that the disruption in trade relations with China is unsettling to many in agriculture, but if the president succeeds in changing China's behavior, America's farmers will reap the benefits.

In the meantime, the president has instructed me to craft a strategy to support our farmers in the face of retaliatory tariffs. At the U.S. Department of Agriculture, we have tools at our disposal to support farmers faced with losses that might occur due to downturns in commodities markets. To this point, we have not unveiled our strategy, as it is not good practice to open our playbook while the opposing team is watching.

But farmers should know this: They have stood with President Trump and his policies, and we will make good on our promise to stand with them as well. If China does not soon mend its ways, we will quickly begin fulfilling our promise to support producers, who have become casualties of

these disputes.

Without question, there is much at stake for this nation in trade disagreements. A bullying and predatory China has made no secret of the fact that it seeks to acquire America's technological crown jewels by any means necessary — through physical and cybertheft, forced technology transfer, evasion of our export controls, and state-directed and state-funded investment in sensitive technology. And while it may seem outrageous, China has rejected American genetically engineered products, while sending agents crawling in corn fields to pilfer samples of our technology and even purchasing a company that provides U.S. farmers with key genetically engineered seeds.

Economic future

President Trump has said correctly that if China captures the industries of tomorrow, America will not have an economic future to look forward to — and our national security

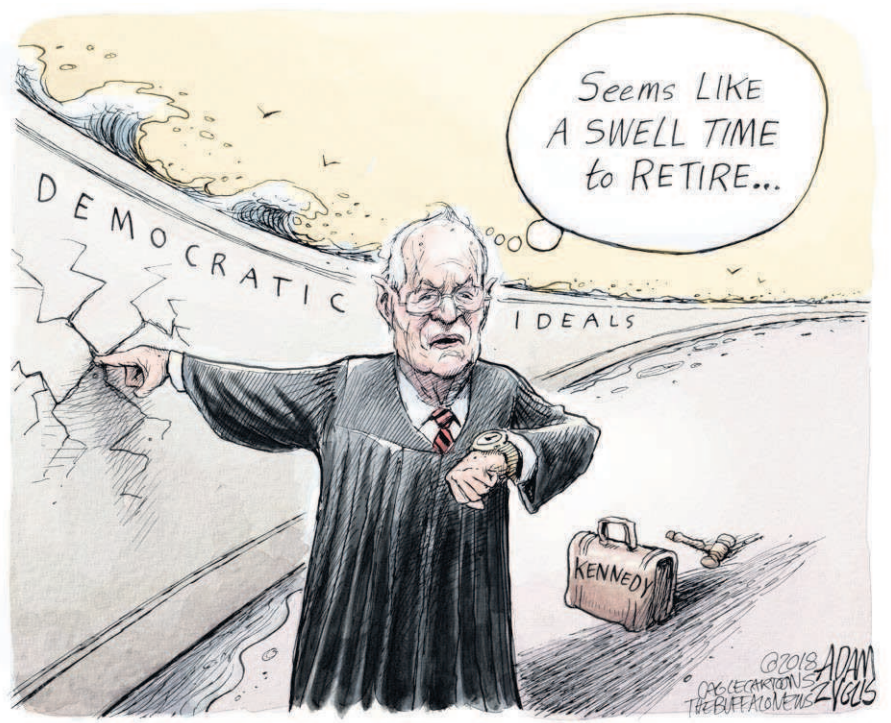
will be severely compromised. Cutting-edge technologies — from artificial intelligence, autonomous vehicles and biotechnology to aerospace, high-tech shipping and robotics — are critical to our defense. We are faced with a decision: Will others determine our destiny, or will we control our own future?

China began raiding our economy long before a team of thieves infiltrated that Iowa corn field, but President Trump aims to stop the larceny now. The president is a tough negotiator, and I am confident that American agriculture will flourish because of trade relationships that are smarter, stronger and better than before. China might underestimate the strength and resolve of American farmers, but the president does not. And he will not allow our agricultural producers to suffer because of China's continued bad actions.

Sonny Perdue is the secretary of Agriculture. Follow him on Twitter: @SecretarySonny



SONY PERDUE
Comment



Once again, Native American sovereignty wins in court

A landmark decision this June from the U.S. Supreme Court upheld the rights of several tribes to hunt, gather and fish on the Northwest coast of Washington state, thereby ending a 50-year battle over Native American sovereignty and states' rights.

A narrow reading of this decision would focus primarily on fish counts and what the state of Washington will have to pay to remove close to 2,000 road culverts, impediments to fish migration. But a broader reading shows its real importance: Very few cases have come down the pike with more far-reaching implications for state governments.

Thanks to promises made to Northwest tribes in the mid-1850s by Isaac Stevens, Washington's first territorial governor, no state has a more impressive record of losing legal battles with Indian tribes than Washington does. President Franklin Pierce sent Stevens to the region to negotiate with Native tribes and open the Oregon Territory to white settlement. The legal trickery Stevens used to accomplish those ends has come back to haunt lawmakers for generations.

Stevens promised lower Puget Sound tribes the perpetual right to "hunt, gather, and fish in all of the usual and accustomed places." But he also told a cheering audience of white settlers in Olympia that his real objective was to promise the tribes anything in order to "extinguish, as quickly as possible, their claims to traditional lands so that settlers could be given legal title."

Steven's approach to ethnic cleansing eventually led to war with the Nez Perce, the Umatilla and the Yakama tribes, while some of his other treaties led to century-long battles in federal courts. To their credit, our nation's founders anticipated these conflicts and designated treaties "the supreme law of the land" under the Constitution. This trustee-guarantor partnership between tribes and the federal government has been the backbone of federal Indian law since 1832, when Chief Justice John Marshall's "trust doctrine" made it the government's responsibility to safeguard the rights and resources of treaty tribes, trumping all other obligations.

Washington's legal battles began with United States v. Winans in 1905, over the Yakama Nation's treaty right to hunt, gather and fish in their "usual and accustomed place," which happened to be owned by white people. Fast-forward to today, and the just-decided culverts case resolves

litigation that began almost 50 years ago, when Washington state Attorney General and future Republican Sen. Slade Gorton challenged the scope of the tribes' fishing rights, hoping to extinguish them forever.

As in the Winans case, Washington state's 1970 lawsuit relied on states' rights to carry the day. Attorney General Gorton raised three questions about the Stevens treaties. Did they guarantee the tribes a percentage of the annual commercial catch? Are hatchery-bred fish included in that percentage? Did Native rights include protections from degradation that would render the tribes' fishing rights useless?

The now-famous 1974 Boldt Decision answered the first question by guaranteeing tribes' half of the commercial salmon catch. The second answer was easy: The allocation could not be limited to hatchery-raised fish. The third question was banded back and forth in courts for decades. In the end, it proved to be the state's undoing. Washington was counting on the reluctance of lower courts to place the burden of "environmental servitude" on the state. But in 2007, the 9th Circuit Court of Appeals clarified that burden by ruling that the Stevens' treaties impose "a duty upon the state to refrain from building and operating culverts... that hinder fish passage."

The cost for removing those culverts and other impediments to fish migration could run into the billions. Headlines in newspapers will doubtless focus on the dollars and the fish counts, but the beating heart of this case lies in its willingness to ask if states could be held responsible for safeguarding Native-owned natural resources protected by treaties.

The 9th Circuit Court of Appeals answered in the affirmative, and the Supreme let that ruling stand, saying to Washington state, in effect: You should have taken the Boldt Decision seriously and prepared remedies for all these treaty violations before the salmon became a protected species. Don't blame the tribes for your failure to live up to your obligations.

Now, the question no state wants to ask is how will future courts divine the difference between the culverts that stop fish from reaching their breeding beds, and all the dams that do the same thing?

Paul VanDevelder is the author of "Coyote Warrior: One Man, Three Tribes, and the Trial that Forged a Nation."



PAUL VANDEVELDER
Comment

I may have glimpsed the future

My first hike in a South Korean national park was enchanting — Seoraksan National Park, in the northeast corner of the peninsula, on a snowy weekday. The walk began along a broad, manicured promenade, past a gigantic black statue of Buddha, across sculpted stone bridges, past ornate temples lined with topiary. Snow sifted down. Mist draped the mountains.

Eventually, the walkway dwindled to the width of a sidewalk, and then to more of a trail, still wide and well traveled, bending steadily uphill. Several kilometers along, another small temple, a hermitage, hewn out of massive granite boulders, lit by candles, with a clear spring collecting in a basin. A soothing male voice broadcast Buddhist teachings over subdued speakers.

The trail steepened. Ice coated the trees, steps and railings in a slick, transparent layer. There were no switchbacks. Instead, flights of steep stairs, some almost ladder-like, were bolted into rock faces. Hundreds and hundreds of stairs, each one sheathed in treacherous ice. Mist tore past crags, revealed sheer cliff faces, glimpses of monolithic granite walls. Despite the dangerous conditions, there were other hikers picking their way to the rocky summits.

It was the kind of day that made me think, with naive envy, about Buddhist monks living solitary, meditative lives. The phrase, "snow falling on cedars" kept repeating in my mind. We topped it off with a visit to nearby public baths, which were segregated, nude and incredibly refreshing.

We were in South Korea for a month. Our son was in the Paralympic Games as a guide for a visually impaired skier. Our strategy, once the games ended, was to spend several weeks hopping from national park to national park. South Korea has 22 national parks, as well as dozens of provincial parks and cultural sites, including a remarkable "penis" park along the craggy eastern coast — who knew?

South Korea is mountainous, more or less the size of Iceland, and 51 million people live there. Much of the terrain is too steep to build on. Even so, the country has preserved panoramic and culturally significant landscapes for all to enjoy. In addition, even in densely populated areas, trails wind through cities, punctuated by exercise and stretching stations that get used a lot, by young and old.

South Koreans love to recreate, by the busload. School groups, older couples, and

troops of weekend hikers, all with trekking poles, sun hats and spiffy daypacks. They are out there, even off-season, even on weekdays.

It turned out that our Seoraksan experience was typical. Many parks open with manicured walkways bordered by flowering trees and meticulous landscaping, leading to temples or pagodas on ponds with backdrops of foliage that draw hundreds of thousands of picture-takers each fall. Then the trails bend up to the peaks and ridges, following brutal stair-master challenges up flights of steep steps. Not a switchback in sight.

Hiking is social. You are almost never alone. People play music.

There are stations along trails selling drinks and snacks. We were never on a peak with fewer than 15 other people, and often it was more like 50, all picnicking, taking pictures with selfie-sticks, shouting to each other. In more populous spots, or on a weekend, trails might as well be conga lines.

So much for enlightenment. So much for solitude. So much for the possibility of wildlife. In South Korea, there are interpretive signs featuring bear and tiger and deer, but I doubt there are ever sightings of anything more feral than woodpeckers and squirrels. Still, you have to love the enthusiasm, the urge to get out, get exercise, to walk. More power to them.

Somewhere during those weeks, I reflected on the future of recreation in North America and the rest of the world. Yes, we have more landscape to lose ourselves in. Yes, we have relatively clear skies and clean water and more abundant public lands, and more opportunities to encounter wildlife. But incrementally, those qualities are eroding. Most of us go to popular destinations where the parking lots overflow on busy weekends, where hiking is as much a social experience as an encounter with the wild. We are shedding species just as fast as the rest of the world.

Little by little, our sense of what is normal in the backcountry is evolving. Imagine what the mountains and forests and coasts we visit today were like 50 years ago, 100 years ago, even 20 years ago. Are we destined to become more and more like South Korea, where the backcountry is full of enthusiastic humans, but stripped of everything else except the views?

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