

O EAST OREGONIAN PINION

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OUR VIEW

Size really shouldn't matter on dairies

Some members of the Oregon Legislature and a coalition of environmental groups and small-farm advocates want the state to ban large dairy farms.

Their argument: large dairy farms are bad.

They also want tighter regulations governing dairy farms. The argument is the legislature and the state government know the best size for a dairy farm.

Pardon our skepticism.

This is the same state government that can't build a much-needed Interstate 5 bridge over the Columbia River, that can't produce a website for its Affordable Care Act program, that can't operate its foster care program, that can't fix its out-of-control retirement plan ...

Yet this coalition wants that same state government to tell farmers how to farm by dictating how big a dairy should be.

The Oregon Senate Committee on the Environment and Natural Resources last week decided to introduce two bills during next year's session targeting dairies larger than 2,500 cows, or 700 cows if access to pasture isn't available.

One concept would classify a large dairy as an industrial facility and strip

it of protections under the state "right to farm" law. That law allows Oregon farmers to use normal farm practices, provided they follow the many rules and regulations already placed on them by the state and federal governments.

Another legislative concept would ban more large dairies at least until the state comes up with a new permitting system.

Neither proposal makes any sense.

The fact of the matter is that all sizes of dairy farms in Oregon are already robustly regulated. Any farmers who don't follow the rules will find themselves in deep you-know-what, both literally and figuratively. Whether a dairy has 20, or 200 or 20,000 cows matters not one bit. What matters is the quality of management. Large or small, a farm with good management will meet the many regulatory requirements placed on it.

This coalition points to the Lost Valley Farm, a bankrupt dairy in Eastern Oregon that was poorly managed, implying that all large farms are equally bad. State regulators saw the problems when they occurred and took the owner to court, forcing him into bankruptcy and putting him out of business.

That is exactly what regulators do. If someone screws up, tell him or her



Capital Press File

The size of a dairy farm doesn't matter; the management does.

to fix the problems. If the problems persist, take the owner to court.

But the main argument — that big farms are bad — is simply not supported by the facts. The way Lost Valley Farm was managed, it would have failed no matter how many cows it had.

But the "big-is-bad" argument has even more holes in it.

Only a few miles from the failed dairy farm, another larger dairy farm, Threemile Canyon Farms, is well-managed and recognized as a good steward of the land. They care for their 30,000 cattle and have an independent inspector check up on them, they have the largest manure digesters in the West to handle the waste and grow a variety of crops; they treat their 300 year-round employees well; and they are constantly innovating to do things bet-

ter. They are good neighbors in every sense of the word and are a point of pride in the community.

Those who are hung up on size ignore the realities of 21st century agriculture. A farm needs to be the right size for its market and to find economies of scale.

To say a farmer is doing something wrong because he, or she, has been successful and sustainable and built a small family farm into a large family farm is illogical.

The state of Oregon should not pick winners and losers in agriculture. It should see that all sizes of farms are well-regulated to protect the environment and produce safe food. If a farmer messes up, he or she should correct the problem, whether the operation is 5 acres or 50,000 acres.

When it comes to regulating farms, size really shouldn't matter.

OTHER VIEWS

The rug comes out in Syria

The Washington Post

President Trump's sudden move to yank U.S. troops out of Syria undermined at a stroke several foreign policy goals he has championed. The president promised to finish the job of destroying the Islamic State, but the withdrawal will leave thousands of its fighters still in place. He vowed to roll back Iran's aggression across the Middle East, but his decision will allow its forces to entrench in the country that is the keystone of Tehran's ambitions. He promised to protect Israel, but that nation will now be left to face alone the buildup by Iran and its proxies along its northern border.

The president's top national security advisers had carefully developed and articulated a strategy of maintaining a U.S. presence in Syria until the Islamic State was beyond revival and Iran withdrew its forces — a plan they were defending up until this week. Mr. Trump has again demonstrated, to them and to the world, that no U.S. policy or foreign commitment is immune from his whims.

Mr. Trump claimed the Islamic State had been defeated, but that is not the view of the Defense and State Departments. Thousands of jihadist fighters are still in Syria and control splashes of territory in the Euphrates Valley. A U.S. withdrawal will give the extremists an opportunity to reconstitute, as they did in Iraq following the premature U.S. withdrawal ordered by President Barack Obama.

Until Wednesday, a prime talking point of senior national security officials was that, "if we've learned one thing over the years, (the) enduring defeat of a group like this means you can't just defeat their physical space and then leave," as the State Department's special envoy for the global campaign against the Islamic State, Brett McGurk, put it last week. Defense Secretary Jim Mattis said it another way in September: "Getting rid of the caliphate doesn't mean you then blindly say, 'Okay, we got rid of it,' march out, and then wonder why

the caliphate comes back."

Mr. Trump has justified some of his most controversial decisions, including his continued support for Saudi Arabia's Crown Prince Mohammed bin Salman, as needed to contain Iran's threat to the United States and its allies. But the Syrian withdrawal hands Tehran and its ally Russia a wind-fall. Iran has deployed thousands of fighters and allied militiamen to Syria and aspires to create a corridor to Lebanon and the Mediterranean, as well as a new front against Israel along the Golan Heights. In reaction to that threat, Mr. Trump's national security adviser, John Bolton, announced Sept. 24 that "We're not going to leave (Syria) as long as Iranian troops are outside Iranian borders, and that includes Iranian proxies and militias."

U.S. ambitions in Syria have never been backed by adequate resources, and a case could be made that neither Congress nor the

MR. TRUMP HAS JUSTIFIED SOME OF HIS MOST CONTROVERSIAL DECISIONS

American public were prepared to support the mission suggested by Mr. Bolton. But Mr. Trump's decision appears to have been precipitated by the bellicose rhetoric of Turkey's Recep Tayyip Erdogan, who last week threatened — not for the first time — a military operation against Syrian Kurds, even though U.S. troops are positioned around them. The autocratic Turkish ruler appears to have extracted multiple favors from Mr. Trump in recent days, including the sale of U.S. Patriot missiles and a promise to reexamine the possible extradition of his rival, Fethullah Gulen, from Pennsylvania. If Mr. Trump received anything in return, he hasn't disclosed it.

The Syrian Kurdish forces, which have fought alongside the United States and played a crucial role in liberating most of eastern Syria from the jihadists, will be perhaps the foremost victims of Mr. Trump's decision. Betrayed by Washington, they will now be subject to a military offensive by Turkey. The stab in the back will send an unforgettable message to all who are asked to cooperate with the United States in the fight against terrorism: Washington is an unreliable and dangerous partner.

Affordable Care Act ruling a political trap

Wall Street Journal

No one opposes ObamaCare more than we do, and Democrats are now confirming that it was designed as a way-station to government-run health care. But a federal judge's ruling that the law is unconstitutional is likely to be overturned on appeal and may boomerang politically on Republicans.

Judge Reed O'Connor ruled for some 20 state plaintiffs that the Affordable Care Act's individual mandate is no longer legal because Republicans repealed its financial penalty as part of the 2017 tax reform. Recall that Chief Justice John Roberts joined four Justices to say ObamaCare's mandate was illegal as a command to individuals to buy insurance under the Commerce Clause. "The Framers gave Congress the power to regulate commerce, not to compel it," he wrote.

Yet the Chief famously salvaged ObamaCare by unilaterally rewriting the mandate to be a "tax" that was within Congress's power. Never mind that Democrats had expressly said the penalty was not a tax. Majority Leader Roberts declared it to be so.

Enter Texas Attorney General Ken Paxton, who argues in *Texas v. U.S.* that since Congress has repealed the mandate, the tax is no longer a tax, and ObamaCare is thus illegal. Judge O'Connor agreed with that logic, and he went further in ruling that since Congress said the mandate is crucial to the structure of ObamaCare, then all of ObamaCare must fall along with the mandate.

We'll admit to a certain satisfaction in seeing the Chief Justice hoist on his own logic. But his ruling in *NFIB v. Sebelius* was in 2012 and there is more at issue legally now than the "tax" issue in that opinion. One legal complication is that Congress in 2017 repealed the financial part of the individual mandate, not the structure of the mandate itself. Republicans used budget rules to pass tax reform so they couldn't

repeal the mandate's express language.

The Affordable Care Act has also been up and running since 2014, which means so-called reliance interests come into play when considering a precedent. Millions of people now rely on ObamaCare's subsidies and rules, which argues against judges repealing the law by fiat.

Judge O'Connor breezes past this like a liberal Ninth Circuit appeals judge handling a Donald Trump appeal. He's right that Democrats claimed the individual mandate was essential to the Affordable Care Act. But when Congress killed the financial penalty in 2017 it left the rest of ObamaCare intact. When judging congressional intent, a judge must account for the amending Congress as well as the original Congress.

In any case, the Supreme Court's "severability" doctrine calls for restraint in declaring an entire law illegal merely because one part of it is. Our guess is that even the right-leaning Fifth Circuit Court of Appeals judges will overturn Judge O'Connor on this point.

As for the politics, Democrats claim to be alarmed by the ruling but the truth is they're elated. They want to use it to further pound Republicans for denying health insurance for pre-existing conditions if the law is overturned. Democrats campaigned across the country against Mr. Paxton's lawsuit to gain House and Senate seats in November, and they will now press votes in Congress so they can compound the gains in 2020.

President Trump hailed the ruling in a tweet, but he has never understood the Affordable Care Act. His Administration has done good work revising regulations to reduce health-care costs and increase access, but the risk is that the lawsuit will cause Republicans in Congress to panic politically and strike a deal with Democrats that reinforces ObamaCare. This is what happens when conservatives fall into the liberal trap of thinking they can use the courts to achieve policy goals that need to be won in Congress.