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OUR VIEW

We need presidents, not Caesars

Ed Wepler



We the People

In Barack Obama's second term, with his legislative agenda dead in a Republican-controlled Congress, the president turned to executive unilateralism on an innovative scale. On climate regulation and health care he used the presidential pen to pursue policies denied him by Congress, and on immigration he made a more dramatic leap — claiming a power he himself had previously abjured, and offering a provisional legal status to about half the illegal-immigrant population.

At the time I called this “caesarism” — an attempt to arrogate to the imperial presidency the kind of power over domestic policy that it already claims over foreign and military affairs. And because the decay of republics is an iterative process, where each faction builds on the norm-breaking of its rivals, it was fairly obvious — well, to me, if not to his supporters — that Obama's caesarism helped stoke the caudillo appeal of Donald Trump, who promised a cruder version of the same impatient executive ambition.

Now, that caudillo spirit is taking legal form in Trump's most serious power grab to date: the attempt to use a “national emergency” declaration — a power whose chronic abuse by presidents Congress has never bestirred itself to check — to build the border fencing that the Democratic Party and his own political impotence have denied him.

On the merits, anyone who opposed Obama's moves should oppose this one as well.

The scale of the policy change is smaller, but the defiance of Congress is more overt; the legal foundation might be slightly firmer (as Jell-O is slightly firmer

than a pudding) but the bad faith involved in the “emergency” claim is more extreme.

And in general, serious conservatives are opposing Trump. Vox co-founder Matthew Yglesias recently snarked about right-wing pundits who got “overheated about ‘Caesarism’ and ‘caudillos’” in the Obama era, mentioning myself and National Review editor Rich Lowry as examples. But Lowry has written sharply against the emergency declaration, and I'll happily endorse his point: If Obama was abusing his powers, then clearly so is Trump.

But in terms of the general lure of presidential rule, the general declension of republican norms into imperial habits, I also think Trump's caudillo act is substantially less dangerous than what his predecessors did.

Here I differ not only from liberals who misremember Obama as a punctilious norm-respecter, but also from those conservatives fretting that Trump is establishing a precedent for a future liberal president to

impose a Green New Deal by fiat. Not that they won't be so tempted — but I just can't imagine anyone looking at the political train wreck of Trump's unilateralism and seeing a precedent worth invoking.

For presidential power to meaningfully expand, it is not enough for a president to simply make a power grab. That grab needs to unite his party (ideally it would also divide the opposition), it needs to be cloaked in enough piety and deniability to find support from would-be referees, it needs to appear to be politically successful, and finally it needs to be ratified by the other branches of government, if only by their inaction.

This mostly happened with post-9/11 war powers claimed by George W. Bush's administration: There was pushback and resistance, but many Democrats went along, Bush won re-election, and much of his war-on-terror architecture was adopted and expanded by the Obama administration.

Obama's attempt to play Caesar in domestic policy had more mixed results, since the immigration power grab was tied up by the courts until Trump's election rendered some of it a dead letter. But Obama at least persuaded Democrats and the media to go along with his caesarism, and he established precedents that a President Hillary Clinton would have undoubtedly embraced.

With Trump, though, the only clear precedent being set is one of deplorable incompetence. He's taking unpopular action that divides his party and unites the opposition, he's doing so with a combination of brazen hypocrisy and nonsense rhetoric that makes the power grab impossible to cloak, he's guaranteeing himself an extended legal battle — and he isn't even accomplishing any obvious goal (there's a reason real immigration restrictionists are against this plan) except the personal one of saving a tiny bit of face.

This spectacle will not prevent some future president from abusing an emergency declaration more effectively. But the idea that Trump's grab enables future abuses more than the moves that Bush and Obama made is extremely dubious. If anything, precisely because his contempt for constitutional limits is so naked and his incompetence so stark, Trump has (modestly, modestly) weakened the imperial presidency by generating somewhat more pushback than his predecessors.

So the emergency declaration is not itself a constitutional emergency. Rather, as often in the Trump presidency, it's a moment that illuminates how a more dangerous would-be autocrat might someday act. It's a weird foretaste, not the main event. A warning, not a crisis. A clownish interlude in the republic's decline, not the Rubicon itself.

Ross Douthat is a columnist for the New York Times.

OTHER VIEWS

A different take on educational funding priorities

I write this with no intent of disrespecting the work of our elected officials, but as more and more comes out of Salem regarding education funding, I am wondering if we are going to miss the mark again.

First, the Quality Education Model was first published in 1999 by the Quality Education Commission. Don't you just love educational jargon and acronyms? Since then the “model” has been updated every two years. What makes the work so critical is that it is based on sound educational research. “Over the years, the model has been improved by adding more and better data and by adding a growing body of empirical research on promising practices.” (QEM, Final Report, August 2018, page 5.) One valuable aspect of the report is that it puts a dollar amount for the resources that would be required “to run a system of highly-effective schools.” Since its inception, state funding for education has been between \$1.1 billion to \$2.1 billion short of meeting the target. Therefore, knowing that the system is significantly



CHRIS FRITSCH
COMMENT

underfunded but expecting better results is insulting at the least.

Second, Pendleton, like many districts around the state, is attempting to provide the same services and programs over the last 10 years with fewer people. Over the past 100+ years the school day and school year have remained relatively stagnant, while the demands on the public education system multiplied exponentially. Local, state and federal governance add requirements annually and most frequently without the resources necessary to support them. Those who promote “do more with less” need serious help. Our district is operating with 28.3 fewer staff members today than it did in 2008. We cannot do more with less; our students deserve better. Therefore, before funding new programs, please consider funding that is flexible to restore staffing in district-determined areas of need.

Third, consider adjusting the enhanced funding for special education to a level that supports the actual cost to provide services to a growing student population that

requires more adults. Currently some of the funds generated are part of the consortium dollars that our ESD uses to provide special education services, such as school psychologists, speech language pathologists, occupational therapists and nurses. Although these services are required and necessary, they do not provide day-to-day service and support to students.

In addition, the state of Oregon puts a cap at 11 percent for a district's special education funding. In other words, if more than 11 percent of your district's students qualify for special education, you only are compensated up to the 11 percent level.

The state average is 13.6 percent and in Pendleton 15 percent of our students qualify for special education services. Therefore, we need more support staff than our current funding allows to provide small group interventions, one-on-one work and supervision of student success rooms, to name a few areas.

The big ask is this: With new and additional funds, keep the areas of intent loose enough so that individual districts may use the funds that best suit their needs.

Finally, let me just say, the issues that

our schools face are not the product of the school system. Rather they reflect our local communities and our society as a whole. In light of the issues that were recently publicized, public schools work hard and efficiently despite the lack of adequate funding. We are at a critical crossroads and our legislature needs to make courageous decisions about the revenue and sustainability required to operate a high quality educational system.

If we keep chasing rainbows or windmills, we will once again fall short and be subject to criticism for the same results. It reminds me of a definition for insanity, “continuing to do the same thing over and over again and expecting a different result”. Public schools and public educators have played the “good soldier” role long enough; we have been and are adapting to the changing challenges and demands with the resources available, but it is time for our state to fund our schools at the level that we know is required and that our students deserve.

Chris Fritsch is the superintendent of the Pendleton School District.

YOUR VIEWS

Oregon Supreme Court defies voters

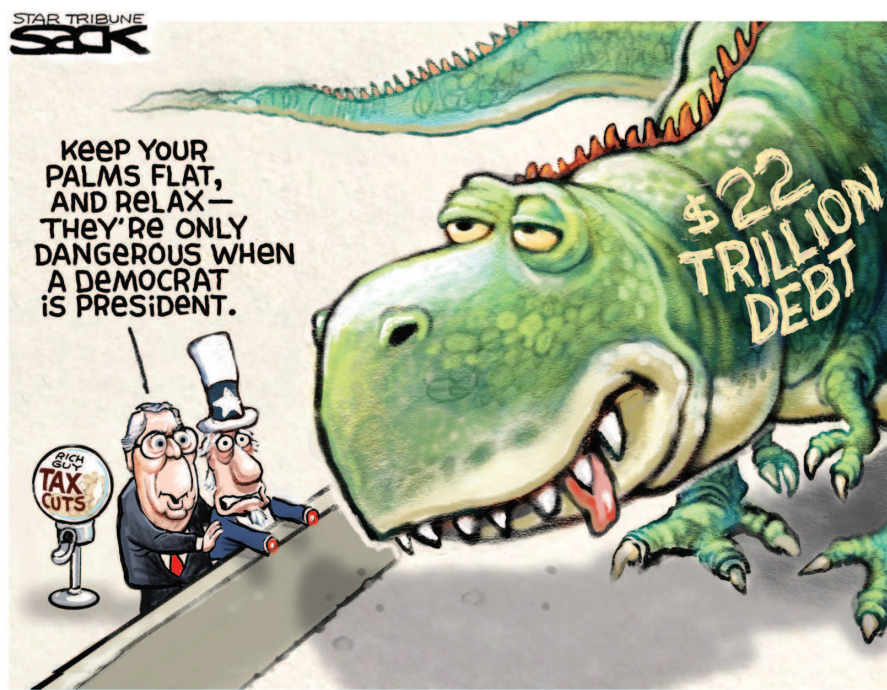
Oregonians should be upset by the Jan. 31 ruling by the Oregon Supreme Court. The court unanimously voted to overturn Ballot Measure 57 of 2008 that was intended to increase the sentences for repeat offenders of property crimes in Oregon. This measure was passed by the people — not the Legislature — after gaining the proper number of signatures. That required the measure to be placed on the ballot, and it passed by a huge majority of Oregon voters.

Sadly, the extremely liberal court has defied the people with some fancy legal — but unethical — footwork, twisting the requirement of a two-thirds vote into one just needing

a simple majority. The ACLU was, as expected, quick to jump to the defense of this ruling, which would reduce sentences from 18 months to only 13.

I guess it isn't enough to champion illegal criminal aliens in Oregon and provide them safe haven in our sanctuary state. Now our supreme court adds insult to injury by reducing sentences for repeat felony property offenders. I think many voters — at least here in Eastern Oregon — would rather pay a little more to incarcerate these criminals for the full extent of their sentence than release them early so they can offend yet again. I am sure the property criminals are dancing in the streets of Oregon.

David Burns
Pendleton



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