

# Opinion

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## GUEST EDITORIAL

# Don't rush into a new healthcare system

Editorial from The (Bend) Bulletin:

Oregon lawmakers are taking the first steps toward providing a single-payer health system for everyone living in Oregon in the form of Senate Bill 770.

As appealing as the idea may sound, there are no simple answers to improving health care. It takes time to get it right and the Legislature is about out of time to get a revised SB 770 right.

Sen. James Manning, D-Eugene, is chief sponsor of the bill. It would basically start the process for universal, state-supplied health care for every Oregon resident by creating a public option.

His initial bill was more limited, but some believed it didn't go far enough. That's where House Bill 1212, sponsored by Rep. Andrea Salinas, D-Lake Oswego, and others, came in. HB 1212 directs the Oregon Health Authority to have a Medicaid buy-in plan ready for the Legislature by May 1, 2020.

Apparently, sponsors of both bills have agreed to combine their efforts. Both measures have been languishing since April, and there's clearly hope that a single, broad measure stands a better chance than either one does on its own. There's not a publicly available copy of the proposed combined measure.

It's easy to find problems with the current health care system. Nobody really likes how much care costs. There are people who don't have coverage or have inadequate coverage. Will moving to a public option in Oregon, though, definitely be an improvement in quality, coverage and cost?

There should be no mistaking that creation of a public option would almost inevitably crowd out most private health care. Government subsidized health care wouldn't just keep private insurance honest. It would be able to undercut them on prices. It would also, no doubt, lead to mandates on benefits, mandates on what patients accept for coverage and mandates on what doctors must accept for payments.

Of course, that may achieve the laudable goal of lowering the cost of care. But government subsidized systems such as Medicare and Medicaid work now in part because the costs are shifted to privately insured patients. When there are no or far fewer privately insured patients, there will be less room for cost shifting and more need to limit available coverage for medical care.

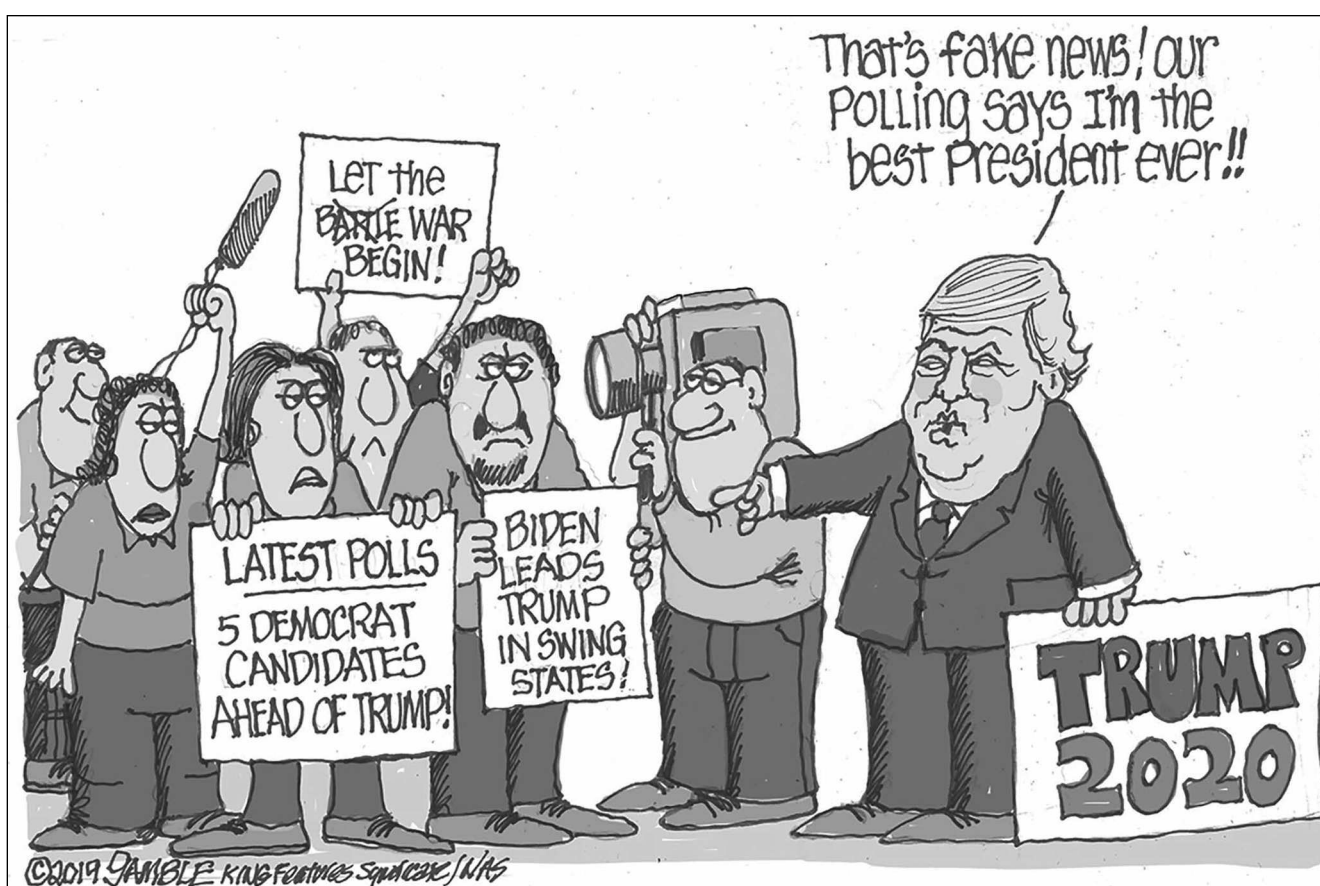
With just weeks left in the 2019 legislative session, getting a combined new SB 770 through both houses of the Legislature may be a stretch. That's not a bad thing at all.

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- Letters will be edited for brevity, grammar, taste and legal reasons.

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# Don't blame Trump for Iran

As President Donald Trump mulls a comprehensive response to what he says was an Iranian attack on oil tankers in the Persian Gulf last week, his smarter critics are not questioning Iran's likely culpability. Instead, they are asking, "What did you expect?"

So Representative Adam Schiff, the Democratic chairman of the House Intelligence Committee, agreed that evidence of Iran's responsibility for the attacks is "very strong and compelling." But he also lamented that Trump had isolated the U.S. from its allies, and how those allies and U.S. intelligence analysts warned "that this kind of Iranian reaction was likely — a result of a policy of withdrawing from the Iran nuclear agreement."

Schiff is right about those warnings. He is wrong, though, if he means to suggest that the U.S. is somehow responsible for Iran's latest predation, a point made by other Trump critics. This kind of analysis is leading to some bizarre policy recommendations. Already, European diplomats are urging Trump to drop his campaign of maximum pressure and adopt one of "maximum restraint."

This is asking to be blackmailed. And now that Iran is threatening to exceed the limits to uranium enrichment it agreed to in the 2015 nuclear deal, it's more important than ever to understand that restraint and dialogue will not bring Iran to heel.

Start with an obvious point: Whether it was helping overthrow the govern-

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ment in Yemen or saving Syria's dictator as he gassed his own people, Iran was destabilizing the Middle East even as it negotiated with the West over its nuclear program starting in 2013. That's one reason why Trump is now trying a maximum pressure approach — to get Iran to end its own adventures in the Middle East.

Another aspect of the critique of Trump's policy is a fear that U.S. brinkmanship with Iran will lead to a repeat of the Iraq War that started in 2003. Pete Buttigieg, the Democratic candidate for president, shared this concern in an interview. He pointed to the presence of John Bolton as Trump's national security adviser as a reason to be alarmed.

This is not the way to look at it. To start, Trump and his top advisers are not planning a large-scale invasion and reconstruction of Iran as George W. Bush's administration did with Iraq in the aftermath of Sept. 11. The Pentagon announced Monday that it is sending only 1,000 troops and made clear they are "for defensive purposes." Administration officials tell me that a limited strike on Iranian naval facilities is being considered, along with less kinetic options, such as military escorts for some tankers.

A quarter-century ago, this kind of military action was known as "cruise

missile diplomacy." There was a lot of criticism of President Bill Clinton's decision to strike targets in Sudan and Afghanistan in response to al-Qaida's bombing of two U.S. embassies in Africa. But there was no credible argument then that the attacks were a pretext for a U.S. invasion, and there isn't one now that limited strikes against Iranian naval facilities will lead to a ground war.

More important, the public fretting about launching a war with Iran ignores the fact that Iran has waged its own war against the U.S. and its allies for decades. It has supplied insurgents in Iraq and Afghanistan with the roadside bombs that maimed and killed U.S. soldiers. It tried to assassinate the Saudi ambassador in Washington. More recently, Iran's diplomats and operatives were tied to terror plots in Western Europe.

Iran's bellicosity began long before Trump's maximum pressure campaign. It has been a feature of Iranian statecraft since the 1979 revolution. If allies in Europe and Democrats in Congress are worried about war with Iran, they should start by holding the regime accountable for its actions, instead of blaming them on an administration trying to deter them.

*Eli Lake is a Bloomberg Opinion columnist covering national security and foreign policy. He was the senior national security correspondent for the Daily Beast and covered national security and intelligence for the Washington Times, the New York Sun and UPI.*

## GUEST EDITORIAL

# Supreme Court and double jeopardy

Editorial from The Los Angeles Times:

The U.S. Supreme Court ruled on Monday that if you are convicted in a state court of a criminal offense, the federal government can put you on trial again for essentially the same crime, and if you're convicted, your new sentence can be added to your old one. In our view, that's a violation of the Constitution's prohibition against double jeopardy.

In 2015, Terance Gamble's vehicle was searched at a traffic stop in Alabama and a gun was found. Gamble, who had a robbery conviction on his record, pleaded guilty to a state charge of being a felon in possession of a firearm, and was sentenced to a year in prison. But he was also charged by the U.S. government for essentially the same crime arising from the same incident.

Gamble pleaded guilty to the federal charge as well, while preserving his right to challenge the second prosecution as a violation of the 5th Amendment's command that no person shall be "subject for the same offense to be twice put in jeopardy of life or limb."

The justices rejected his argument Monday by a 7-2 vote. Writing for the majority, Justice Samuel A. Alito Jr. cited the court's longstanding view that the federal government and the states are separate "sovereigns" and that "a crime under one sovereign's laws is not 'the same offense' as a

crime under the laws of another sovereign." Alito also emphasized that a ruling in Gamble's favor would depart from "170 years of precedent."

The court shouldn't lightly cast aside precedents. But there were several reasons for the court to do so in this case, as Justices Ruth Bader Ginsburg and Neil M. Gorsuch argued in persuasive dissents that put the focus where it should be: on the injustice of subjecting anyone to two trials for the same crime.

Ginsburg questioned the notion that the federal government and the states are separate "sovereigns," writing that it "overlooks a basic tenet of our federal system, namely that under the Constitution ultimate sovereignty resides in the governed." But even if the separate sovereigns theory once made sense, Ginsburg suggested that things changed with Supreme Court's decision in 1969 to apply the double jeopardy clause to the states as well as the federal government.

She's correct. If federal and state prosecutions are governed by the same constitutional rules, the double jeopardy clause prohibits successive prosecutions regardless of which level of government files the indictment.

In his dissent, Gorsuch pithily described the consequences of the majority's reasoning:

"My colleagues say that the federal government and each state are

'separate sovereigns' entitled to try the same person for the same crime. So if all the might of one 'sovereign' cannot succeed against the presumptively free individual, another may insist on the chance to try again. And if both manage to succeed, so much the better; they can add one punishment on top of the other."

The concerns expressed by Ginsburg and Gorsuch aren't new. In a powerful dissent in a 1959 decision, the late Justice Hugo Black wrote: "If double punishment is what is feared, it hurts no less for two 'sovereigns' to inflict it than for one."

There are a few situations in which one can justify separate state and federal prosecutions arising from the same events. The U.S. Department of Justice has brought federal civil rights prosecutions against defendants acquitted in state court of crimes of violence against racial minorities. But Ginsburg suggested in her dissent that federal civil rights laws and state laws criminalizing assault are different enough to qualify as separate "offenses."

The state and federal charges against Gamble were aimed at the same crime and motivated by the same purpose: to punish felons found to be in the possession of a firearm. The court should have ruled that, under the Constitution, one prosecution was enough.