

Opinion

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EDITORIAL

Struggle for public records continues

Oregon officials can recite all the right things about transparency and open government. Gov. Kate Brown used her first speech as governor to talk about her work to promote transparency and made a pledge to “strengthen laws to ensure timely release of public documents.”

But the reality of getting public information can be far different. The fees charged can be a wall, barring the public from getting records. Appealing the refusal of an agency to release records can be challenging for the public to navigate. And many agencies in Oregon don't even track how they handle requests, so the public doesn't have reliable information about the real-world performance of public records laws.

Fixing those problems are, in part, the role of Oregon's public records advocate. And even there, staff in the governor's office tried to put their thumb on the scale. They told Ginger McCall, the state's public records advocate, to push Brown's agenda without telling anyone that was what she was doing. Unfortunately, that can be how transparency works in Oregon. McCall is stepping down soon in protest.

Oregon's public records advisory council was scheduled to consider Tuesday a change in state law to clarify that the public records advocate position is supposed to be an independent advocate. The proposal includes phrasing such as the public records advocate “shall function separately and independently from any other state agency.” It would also give the power to remove the advocate to a vote of the advisory council, rather than giving any power over that decision to the governor as the law reads now.

Such changes will not make the regular grievances against and violations of Oregon's laws for transparency and public records go away. Public officials are almost always happy to release information that makes them look good. But if there is a hint of controversy, the commitment can falter — despite what any law says.

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Your views

Editorial on 10th Street striping misses the mark

Dear Jayson, what's up with your latest editorial? I don't always agree with your comments, but “Streets & Striping” about proposed changes to 10th Street made me question your journalistic standards and that was a first.

Your column states that “Lynette Perry took to Facebook this week to survey her constituents,” but she certainly did not. Her constituents are the residents of Baker City which include approximately 10,000 people. Lynette has 1,015 Facebook friends including me. This is a fraction of her constituency and as you mention, “hardly a scientific survey.” In fact, it was not a survey at all and only her friends could comment.

You say it's “an effective way for an elected official to get a sense of public sentiment,” but one's Facebook friends are a limited group and commenters are even fewer. Despite this small number, you claim “The response to Perry's Facebook posts is compelling evidence that Baker City residents prefer the current 4-lane configuration.” What a stretch! Are we to believe her friends speak for the public?

You state that asking for comments on Facebook is “almost certainly more effective than relying on people to attend a City Council meeting.” What do you mean by “more effective?” It is a lot easier to dash off comments on Facebook than to think through a response, make the effort to attend a City Council meeting, and publicly state an opinion.

You could be right, Jayson, the

majority of residents may not support changes to 10th Street. Change can be hard. Drivers generally don't like anything that slows them down. And safety improvements can be costly. But the job of a City Councilor is to consider the safety and well-being of all constituents, including those that are disenfranchised, children, and disabled folks. What about people who walk and ride bikes to get to school, work, shopping and medical appointments? Currently 10th Street is hazardous and unwelcoming for these constituents and they probably are not friends on Facebook with city council members.

Gretchen Stadler
Baker City

Walden needs to face the facts on Trump's Ukraine call

It's difficult to admit when you're wrong, but many Republicans in Congress are going about it in a round-about way. Congressman Greg Walden is one of them. By vehemently denying that President Trump committed impeachable offenses, they are really trying to apologize for impeaching Clinton. How else can these hyper-partisan people justify their claims?

As a registered Republican, I'm disappointed in Walden's nonsensical statement that there's no justifiable reason to impeach Mr. Trump; that we need to get all the facts. He then throws out a ridiculous distraction about former VP Biden. Some critical thinking would be in order here.

I disliked Clinton and have a low opinion of Biden, but I'm totally shocked by the hyper-partisan support too many elected Republicans show

for our megalomaniac president. The Biden family's lack of discretion pales in comparison to that of Trump and his use of position to further his family's business interests.

Mr. Walden is right on one account: Trump's phone conversation with Ukraine President Zelensky “wasn't President Trump's finest moment.” Trump has few good moments, actually. This is why countless people in the White House spend an inordinate amount of time trying to hide Trump's grievous errors. Walden chooses ignorance to be able to defend Trump.

Mr. Walden: remember when you asked Congressman Cooley to resign because he lied? Well...?

It's time for honest Republicans to speak up. Everyone should call out Walden for his failure to be above board on this issue. Trump and his hyper-partisan courtisans are dragging our country down. Several have spoken up, including a decorated veteran and Republican congressman from Illinois who called Trump's actions “repugnant.”

I cannot think of much that is less patriotic than, as Attorney General Barr and President Trump have done, to ask foreign countries to spy on our country's intelligence agencies.

One has to question whether Mr. Walden actually reads the news. Saying we must get at the facts and then totally ignoring them and throwing out irrelevant distractions is a disservice to the Oregonians he's supposed to represent and the country whose Constitution he's supposed to uphold.

Rick Meis
Halfway

America will surely survive another impeachment

By Doyle McManus

In 1973, as a student journalist, I stood against the back wall of the ornate Senate Caucus Room and scribbled notes as the Senate Watergate Committee held hearings on the tangled misdeeds of President Nixon.

I listened as John W. Dean, Nixon's former counsel, said he had warned of “a cancer on the presidency.”

In 1999, as a Times reporter, I stood in the Senate Press Gallery and watched senators solemnly pronounce their verdicts in the impeachment trial of President Clinton, including, on one count, a carefully choreographed 50-50 tie.

And last week, I watched House Democrats launch the third formal effort to impeach a president in the last half century, this time against President Trump.

No two presidents are alike, of course, and no two impeachment battles are alike. Nixon resigned in disgrace in 1974 once it was clear that he would be impeached by the House and removed by the Senate. Clinton was impeached by the House but acquitted in the Senate, and finished his term as a largely popular figure.

The obvious question is whether Trump's experience will be more like Nixon's, ending his presidency, or like Clinton's, an ordeal he turned into a victory of sorts.

Nixon's offenses were weighty. In August 1974, the House Judiciary Committee approved three articles of impeachment, including one for abuse of power stemming from his attempts to use the FBI and the Internal Revenue Service to investigate his political

opponents.

Clinton's offenses stemmed from his extramarital affair with a former White House intern and his false denials under oath. The principal charge was perjury.

In both cases, impeachment began as a partisan affair — Democrats investigating Nixon, Republicans pursuing Clinton. Most Americans initially opposed removing either president from office.

But the two impeachments went in opposite directions.

In Nixon's case, two years of investigations unleashed an avalanche of new facts: abuses of power, an elaborate White House cover-up and undeniable evidence that Nixon had directed the entire criminal affair.

Yet public opinion shifted very slowly. Only after the discovery of a “smoking gun,” an Oval Office recording of Nixon ordering the cover-up, did a majority want him to resign.

Within days, Republican leaders told Nixon that he had lost the support of his own party, and he quit.

In Clinton's case, an independent counsel found that he had lied under oath to cover up his affair. Most Americans didn't see that as just cause to oust him. When the House voted to impeach Clinton in December 1998, only 29% of voters approved, few of them Democrats.

Lesson One: House Speaker Nancy Pelosi (D-Calif.) is correct: An impeachment effort can succeed only if it has bipartisan support.

That's why Republicans, not Democrats, are the ones to watch now.

Most GOP lawmakers remain solidly behind Trump. A few say the evidence that Trump abused his office for personal gain is serious enough to investigate, a position short of the all-out defense Trump would like. For now, impeachment is only a Democratic cause.

Lesson Two: Facts, not arguments, drive shifts in public opinion.

During Watergate, Republican politicians edged away from Nixon as damning new evidence of his guilt emerged. In Clinton's case, his fundamental crime — lying about sex — seemed less significant, and Democrats never wavered in their support.

That makes the whistleblower's complaint ominous for Trump. The intelligence office alleged that Trump blocked congressionally approved military aid to Ukraine to back up his demand for dirt on Democratic presidential candidate Joe Biden and his son Hunter, who had worked for an energy company in Kyiv.

The impeachment investigation will either persuade more Republicans to voice concerns (as with Nixon) or it won't (a la Clinton).

Lesson Three: The offense must be “impeachable” — but there's no consensus on what that means. The Constitution cites bribery, treason and “high crimes and misdemeanors” as impeachable offenses, but doesn't specify them.

Gerald R. Ford offered the most practical definition before he succeeded Nixon as president: “An impeachable offense is whatever a majority of the House of Representatives considers it to be.”

Some Republicans have argued that

Trump's efforts to get Ukraine to help his 2020 campaign were “inappropriate” but not “impeachable.”

But several elements make the allegations look weighty.

Military support for Ukraine against Russia has strong bipartisan support in Congress. If the House investigations find that Trump delayed badly needed weapons to bully Ukraine into meddling in a U.S. presidential election, more Republicans may think twice.

The irony is that the strongest evidence against Trump, at least so far, is his own words during a July 25 phone call with Ukrainian President Volodymyr Zelensky. It's why, according to the whistleblower, White House lawyers tried to “lock down” all records of the conversation, a potential coverup.

Final lesson: Impeachment proceedings are long, painful and ugly. But eventually a resolution comes.

In 1999, at the end of Clinton's trial, I watched senators cross the aisle to hug each other, elated that their institution had survived. In 1974, Ford invited the House Democratic leader who had spearheaded impeachment, Rep. Thomas P. “Tip” O'Neill Jr. (D-Mass.), to his swearing in as president. “Christ, Jerry,” O'Neill said, “Isn't this a wonderful country?”

Our republic has survived two impeachments in my lifetime. It can surely survive a third.

Doyle McManus is a columnist for the Los Angeles Times.