

OUR VIEW

Oregon
needs open
primary

The Independent Party of Oregon, all 124,777 of them, is giving nonaffiliated voters in the state something the two majors refuse to do. It will allow the 948,697 (as of October) nonaffiliated registered voters a chance to have a say in its primary election. More power to them.

Oregon’s closed primary system, in which voters may cast ballots only in their political party’s primary, is about what it was when it was adopted in 1904. Republicans may vote in the Republican primary, Democrats in the Democratic one and Independents in theirs. Members of smaller parties, too, hold primaries for their voters, and only nonaffiliated voters are left out of primary elections entirely.

Yet nonaffiliated voters make up roughly a third of all registered voters in the state, with more voters than either Democrats or Republicans.

They will have the option to vote in the Independent Party primary in 2020, and the party may nominate candidates from other parties if it chooses. The Independents are expected to hold their primary in March, two months before Republicans and Democrats hold theirs.

Nonaffiliated voters also can register with parties up to 21 days before an election if they so choose, just as party members may switch parties until then, though that isn’t a particularly common practice.

There’s a better way to handle the problem.

Oregon’s two major parties could decide to make Oregon’s primary election open to all comers, no matter what their registration, though the national Democratic Party rules would still prevent outsiders from voting for presidential candidates, according to the Portland Tribune. No matter how attractive the idea of an open primary is, nonaffiliated voters will have only a couple of choices if they hope to have a say in statewide and presidential primaries next year. They can vote with the Independents. Or, they can join one of the two major parties before the primary and switch back afterwards. Each is better than nothing, but neither is better than a fully open primary would be. In a state that puts so much value on participating in elections that it automatically registers voters when they renew their driver’s licenses, that is particularly unfortunate.

Unsigned editorials are the opinion of the Baker City Herald. Columns, letters and cartoons on this page express the opinions of the authors and not necessarily that of the Baker City Herald.

OTHER VIEWS

Congress needs to protect citizens’ medical privacy

Editorial from the Tampa Bay Times:

Few things are more private than a person’s medical history. Yet without the consent of patients or their doctors, America’s second-largest health care system and Google are cooperating to share personally identifiable medical information on 50 million patients. Regardless of the intentions to improve health care, this is a violation of privacy that may require action from regulators or Congress to correct.

First reported by the Wall Street Journal, Ascension, a chain of Catholic nonprofits with hospitals and nursing homes in 21 states, made a pact with Google to move that big data into the search giant’s cloud-computing system. They hope to crunch the data and provide better health care. Code-named “Project Nightingale,” the plan immediately drew the scrutiny of regulators and lawmakers who fear that patients’ privacy is inadequately protected. At least four Democrats

on the U.S. House’s Energy and Commerce Committee have already sent letters to both Google and Ascension, asking to be briefed by Dec. 6. They are right to worry.

Anyone who has visited the doctor has encountered HIPAA, the federal Health Insurance Portability and Accountability Act of 1996, which protects a patient’s privacy. Yet Project Nightingale appears to be permissible under federal law, privacy experts told the Journal, because HIPAA generally allows sharing of data with business partners if the information is used “only to help the covered entity carry out its health-care functions.” Patients would no doubt be surprised to learn it might be legal to share medical information that includes their names and birth dates even without their consent, and if an investigation determines that it is legal, it is time to beef up the law. Patients should have to consent before identifiable medical information is shared, and they should know

the purpose and be fully informed.

In the age of big data, privacy and information are constantly in tension. Crunching big data using artificial intelligence can discover patterns and point to treatment in ways that weren’t possible even a few years ago. That’s good news. But it simply cannot come at the expense of breaking the confidentiality of patients and their personal medical information.

Ask yourself: Would you trust big data companies such as Google and Facebook with the most intimate details of your life? Even if the sharing might shade toward being legal in this gray area, these companies have to be absolutely transparent and seek permission first. Given their mixed track records, the optics and the ethics require nothing less.

There are solutions. Information can be precise and detailed but anonymous. Earlier this year, the Florida Legislature passed and Gov. Ron DeSantis signed a bill that allows

Attorney General Ashley Moody specific and proscribed access to the state’s prescription drug database in order to bolster Florida’s case in a massive opioid lawsuit against drugmakers, distributors and pharmacies. Privacy concerns were met by stripping out a patient’s name and substituting a unique identifying number. This was an appropriate way to handle sensitive data, and it shows what can be done, but it also demonstrates the importance of balancing privacy and policy concerns in every instance.

The ability to store and distribute sensitive, intimate medical information has outstripped the laws that protect people’s privacy, not to mention the ever-present fear of hackers. We’re not far from a time when a person’s entire genome can be uploaded to the cloud. Before that happens, people need to be confident that their medical and genetic history will be shared only as they see fit.

CONTACT YOUR PUBLIC OFFICIALS

President Donald Trump: The White House, 1600 Pennsylvania Ave., Washington, D.C. 20500; 202-456-1414; fax 202-456-2461; to send comments, go to www.whitehouse.gov/contact.

U.S. Sen. Jeff Merkley: D.C. office: 313 Hart Senate Office Building, U.S. Senate, Washington, D.C., 20510; 202-224-3753; fax 202-228-3997. Portland office: One World Trade Center, 121

S.W. Salmon St. Suite 1250, Portland, OR 97204; 503-326-3386; fax 503-326-2900. Pendleton office: 310 S.E. Second St. Suite 105, Pendleton 97801; 541-278-1129; merkley.senate.gov.

U.S. Sen. Ron Wyden: D.C. office: 221 Dirksen Senate Office Building, Washington, D.C., 20510; 202-224-5244; fax 202-228-2717. La Grande office: 105 Fir St., No. 210, La Grande, OR 97850;

541-962-7691; fax, 541-963-0885; wyden.senate.gov.

U.S. Rep. Greg Walden (2nd District): D.C. office: 2182 Rayburn Office Building, Washington, D.C., 20515, 202-225-6730; fax 202-225-5774. La Grande office: 1211 Washington Ave., La Grande, OR 97850; 541-624-2400, fax, 541-624-2402; walden.house.gov.



All the Queen's men

Impeachment: Facts undisputed

Republicans and Democrats disagree on just about every point being made during the impeachment inquiry triggered by President Trump’s July 25 call with Ukrainian President Volodymyr Zelenskyy. Yet on the central facts of the case, there is essentially no dispute.

That’s why the process is hurtling forward at a velocity that seems remarkable to George Washington University law professor Jonathan Turley, who testified before the House Judiciary Committee on Wednesday at the behest of the committee’s Republicans. Turley insisted that it was the fastest presidential impeachment ever, which may certainly be true, given the small sample size.

Unlike President Nixon and Watergate, however, there’s little mystery to unravel here, thanks to Trump releasing a reconstructed transcript of the call. The document shows Trump accusing a top political rival, former Vice President Joe Biden, of doing something nefarious in Ukraine and asking Zelenskyy to investigate.

That, right there, is enough for some Democrats. Since the release of the White House call record, though, the House Intelligence Committee has gathered undisputed testimony that: the White House put a hold on vital security aid to Ukraine after federal agencies confirmed that Ukraine had met the anti-corruption conditions Congress had set; Trump directed Zelenskyy and several American diplomats to talk to Trump’s personal lawyer, Rudy Giuliani, who had been waging a monthslong campaign in public and private to persuade Ukraine to investigate Biden; Giuliani told U.S. diplomats that

JON HEALEY

Ukraine needed to announce an investigation that could damage Biden in order to obtain a White House meeting the Ukrainians desperately wanted; at least two of those diplomats conveyed some version of this message to Ukrainian leaders; and Zelenskyy was poised to announce that investigation and one other that Trump had sought during an interview on CNN in September, only to cancel after the White House released its hold on the aid.

There are missing pieces to the story, thanks to Trump’s insistence that no one from the administration testify (an admonition that was defied only by a few people, but not by the ones closest to Trump’s decision-making process). Those pieces concern why things happened, however, not what happened.

And on that point, neither Republicans nor Democrats in Congress appear to be persuadable.

Republicans look at Trump seeking investigations from a foreign ally that would be particularly helpful to his reelection prospects while withholding aid and symbolic support the ally coveted, and they happily ascribe motives that were not at all apparent in the reconstructed transcript. He had a longstanding concern about federal dollars being spent corruptly in Ukraine! He doesn’t like foreign aid, period! He wants Europe to pick up more of the tab!

Democrats look at the same behavior and see someone misusing the powers of his office for personal gain, just as they believe he’s done time and time again

(G-7 at the Doral, anyone?). They don’t believe anything Trump says about his motives — nor should they, given the president’s track record. And they see the GOP arguments as ex post facto rationalization.

The Intelligence Committee gathered plenty of testimony to try to resolve the “why” question by examining the instructions that Trump and others close to him gave to this country’s emissaries to Ukraine. This is the circumstantial evidence part of the case, and some of that testimony supports the GOP’s take. More of it, however, supports the Democrats’ interpretation.

Again, the people with the best view of Trump’s motives have declined to testify per Trump’s demand. Even if they did, though, how credible would they be? Acting White House Chief of Staff Mick Mulvaney already confirmed that the security aid was withheld because Trump wanted an investigation (into a conspiracy theory regarding Ukraine’s role in 2016 election meddling), only to retract the admission hours later.

Republicans complain that the outcome of this process is preordained, and to an extent it has been since a whistleblower brought Trump’s call with Zelenskyy to the House Democrats’ attention. The remaining issue for the House is whether what Trump indisputably did rises to the level of an impeachable offense. It’s worth vigorously debating, but judging from Wednesday’s hearing, Democrats and Republicans have their minds made up on that as well.

Jon Healey is the Los Angeles Times’ deputy editorial page editor.