

OUR VIEW

Oregon’s COVID-19 phone calls should be open to all

We are told that on Tuesdays, Thursdays and Fridays at 3:15 p.m. the governor and/or the governor’s staff continues to gather on the phone with some legislators to talk about how the state is handling COVID-19.

Why can’t the public listen?

The legal argument would be that these meetings don’t meet the test of being public meetings under the law. The Oregon Attorney General’s website says: “A public meeting is any meeting conducted by a state, regional or local governing body to decide or consider any matter.”

These meetings are not in fact official meetings of the Legislature. Not all legislators apparently attend. And also apparently no decisions by legislators are reached during these meetings.

In that way, they are like other conversations that the governor holds with legislators to brief them on subjects and/or decisions the governor or state agencies might be making. They are not necessarily intended to form legislative policy.

The governor needs to be able to hold those conversations. We wouldn’t want those conversations to stop. They help government function better. And for the participants, there’s a benefit for being part of the conversation and arguably more in the know than the general public.

Our question again is: Why can’t the public listen?

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Letters to the editor

- We welcome letters on any issue of public interest. Customer complaints about specific businesses will not be printed.
- The Baker City Herald will not knowingly print false or misleading claims. However, we cannot verify the accuracy of all statements in letters to the editor. Writers are limited to one letter every 15 days.
- The writer must sign the letter and include an address and phone number (for verification only). Letters that do not include this information cannot be published.
- Letters will be edited for brevity, grammar, taste and legal reasons.

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D.C. as 51st state? Not so fast

ZACK SMITH

“DC should be a state. Pass it on.” That’s the message supporters of D.C. statehood pushed on social media late last month as the U.S. House of Representatives prepared to vote on D.C. statehood.

And on June 26, for the first time in our nation’s history, the majority-Democrat U.S. House of Representatives passed along party lines (save for a lone defection) a bill that would create the Douglass Commonwealth (D.C.) as our nation’s 51st state.

Fortunately, this vote was nothing more than political theater. The measure is dead on arrival in the U.S. Senate, and if it wasn’t, President Donald Trump has committed to opposing it too.

But here’s the troubling aspect about this vote: It pushes forward the idea that the bulk of the District of Columbia — a federal enclave functioning as the seat of the federal government — can be converted into the Douglas Commonwealth, a co-equal sovereign state, by mere legislation.

It can’t, at least not constitutionally, a fact agreed on by all Justice Departments, Republican or Democrat, until President Barack Obama’s attorney general, Eric Holder, overruled his own Office of Legal Counsel because it had come to the same conclusion.

But it’s not the first time that statehood proponents have taken this tack (though it is the furthest they’ve ever gotten), so the myriad constitutional problems with this approach have previously been catalogued.

Unfortunately, some proponents of D.C. statehood, like former Obama national security adviser Susan Rice, have impugned the motives of her opponents and said that the “real reasons for opposition are more sinister: racism and political interest.”

The objections she calls “specious legal arguments” are, in fact, based on the clear text and structure of the Constitution.

True, there are political interests for some in opposing D.C. statehood, but Rice also ignores the fact that supporting D.C. statehood is in the political interests of her allies. And to accuse opponents of racism for raising valid constitutional concerns is, let’s put this politely, disingenuous.

While the constitutional objections to D.C. becoming a state — especially via simple legislation — are well-founded, even the pragmatic arguments proponents put forward cut against their case.

Consider D.C. Mayor Muriel Bowser’s recent complaints related to federal reactions to the recent protests. Washington Post op-ed columnist Karen Tumulty framed the matter this way: “D.C. residents’ lack of autonomy has been on abundant display in the recent standoff between Bowser and President Trump over how to handle the largely peaceful protests (I guess she missed the looting and rioting) that erupted after George Floyd, a 46-year-old black man, was killed under the knee of a white police officer in Minneapolis. Bowser could not prevent federal troops from being deployed on D.C. streets.”

But that’s exactly the point. The federal government shouldn’t be dependent on local authorities for its safety and security.

Want an authoritative source? How about James Madison, the Father of the Constitution?

In Federalist No. 43 he said, “The indispensable necessity of complete authority at the seat of government,

carries its own evidence with it. It is a power exercised by every legislature of the Union, I might say of the world, by virtue of its general supremacy. Without it, not only the public authority might be insulted and its proceedings interrupted with impunity; but a dependence of the members of the general government on the State comprehending the seat of the government, for protection in the exercise of their duty, might bring on the national councils an imputation of awe or influence, equally dishonorable to the government and dissatisfactory to the other members of the Confederacy.”

The importance of an independent federal capital in more than name only also makes sense given the experience many of the Founding Fathers, including Alexander Hamilton, had when the governor of Pennsylvania refused to provide militia to protect the Confederation Congress from a sect of dissatisfied soldiers. Because of this failure by state authorities, the Congress had to flee the state. This incident made abundantly clear the need for an independent federal capital under the control of federal authorities and federal forces.

But more to the point, as Cato’s Roger Pilon said when testifying before the Senate several years ago, “(W)hy are we debating a bill with so little prospect of succeeding and with problems galore if it did? The Framers knew what they were doing when they provided for the seat of government that we have. It has served us well for over two centuries. There are more pressing issues before this chamber.”

That much certainly remains true today.

Zack Smith is a legal fellow in the Meese Center for Legal and Judicial Studies at The Heritage Foundation (heritage.org).

Your views

I retain my right to refuse to wear a face mask

OK, I get that some folks feel better wearing a mask. I know folks with compromised immune systems are more likely to contract a viral disease.

I get all that. But, watching the numbers on the rise and deaths dropping, I sense our own “herd immunity” is beginning to kick in. I agree with the closing of casinos and bars, breeding grounds for bugs, but the mask may be causing more harm than good. According to the National Health Institute, you maybe breathing in harmful levels of CO². And common sense should tell

you that unless you’re changing them out regularly, all that moisture and debris in the mask is circulating right back into your lungs.

Anyway, I don’t mind others wearing them but don’t force it upon me. I will not and even though our local Bi-Mart asked me to, I refused. So stores absolutely have the right to ask me to leave. But I retain the right to not wear one. And I don’t get all the haters out there who want to shove their agendas on me. Like the guy videoing people not wearing one and screaming at them he would post it on social media to disgrace people. He sat in

Bi-Mart’s lot and watched and pounced on “non mask” wearers.

The other thing. We’re all Americans. Not “black Americans” or “white Americans,” just Americans. Let’s drop the “my people” from our vocabulary and remember, we are all our people. Racism begins with segregation and separating yourself out is racist. Preaching your life matters more than others is nonsense. No one life is more important than any other. Born or unborn, we all matter. We are all God’s creation.

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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.

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State Rep. Mark Owens (R-Crane): Salem office: 900 Court St. N.E., H-475, Salem, OR 97301; 503-986-1460. Email: Rep. MarkOwens@oregonlegislature.gov

Baker City Hall: 1655 First Street, P.O. Box 650, Baker City, OR 97814; 541-523-6541; fax 541-524-2049. City Council meets the second and fourth Tuesdays at 7 p.m. in Council Chambers. Loran Joseph, Randy Schiewe, Lynette Perry, Arvid Andersen, Larry Morrison, Jason Spriet and Doni Bruland.

Baker City administration: 541-523-6541. Fred Warner Jr.,

city manager; Ray Duman, police chief; Sean Lee, interim fire chief; Michelle Owen, public works director.

Baker County Commission: Baker County Courthouse 1995 3rd St., Baker City, OR 97814; 541-523-8200. Meets the first and third Wednesdays at 9 a.m.; Bill Harvey (chair), Mark Bennett, Bruce Nichols.

Baker County departments: 541-523-8200. Travis Ash, sheriff; Noodle Perkins, roadmaster; Greg Baxter, district attorney; Alice Durlinger, county treasurer; Stefanie Kirby, county clerk; Kerry Savage, county assessor.

Baker School District: 2090 4th Street, Baker City, OR 97814; 541-524-2260; fax 541-524-2564. Superintendent: Mark Witty. Board meets the third Tuesday of the month at 6 p.m. Council Chambers, Baker City Hall, 1655 First St.; Andrew Bryan, Kevin Cassidy, Chris Hawkins, Katie Lamb and Julie Huntington.