Opinion

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EDITORIAL

We need to help local businesses

Some day — and it's a day that can't arrive too soon — when we head out for a meal at a local restaurant we'll need to think only about what we plan to order.

What's not certain, unfortunately, is whether all of those places will still be around to welcome us.

A year that has already been disastrous for many restaurants, bars and many other types of businesses due to the pandemic is getting worse.

The 2-week state "freeze" that Oregon Gov. Kate Brown announced to try to reverse the recent surge in COVID-19 cases took effect on Wednesday, Nov. 18.

The governor, among other restrictions, is limiting restaurants to offering takeout meals only through at least Dec. 2.

This, despite the governor and her health advisers continuing to emphasize that the chief culprit in the disturbing increase in infections is not restaurants, but rather private social gatherings.

But pointing out the state government's inconsistencies, however satisfying, doesn't pay the bills.

And those bills will continue even for restaurant and bar owners who are hamstrung by this unjustified edict.

The Oregon Restaurant & Lodging Association noted in a press release on Tuesday, Nov. 17, that business owners still have to pay rent. They have to pay Oregon Liquor Control Commission license fees despite state officials not allowing them to serve hard alcohol to takeout customers or for delivery. They still have to pay health inspection fees even though they can't have customers in their seats and booths. Property tax bills aren't frozen.

State officials announced Wednesday that Baker County will get more than $500,000 to help ailing businesses.

But the help our businesses need most, especially during the next 2 weeks, can come only from us.

We've all learned over the past 9 months that things we took for granted aren't as sure as we would like them to be.

But if we want to be sure we will return to those carefree days when we could, on a whim, decide to let someone else cook breakfast, lunch or dinner, we need to patronize those restaurants able to offer takeout meals during the freeze, and to visit other businesses that have also suffered during the pandemic.

The holiday season is the time when we most often hear the familiar refrain about supporting local businesses.

But never, or at least not for decades, has this exhortation been more valid, more crucial, than it is now.

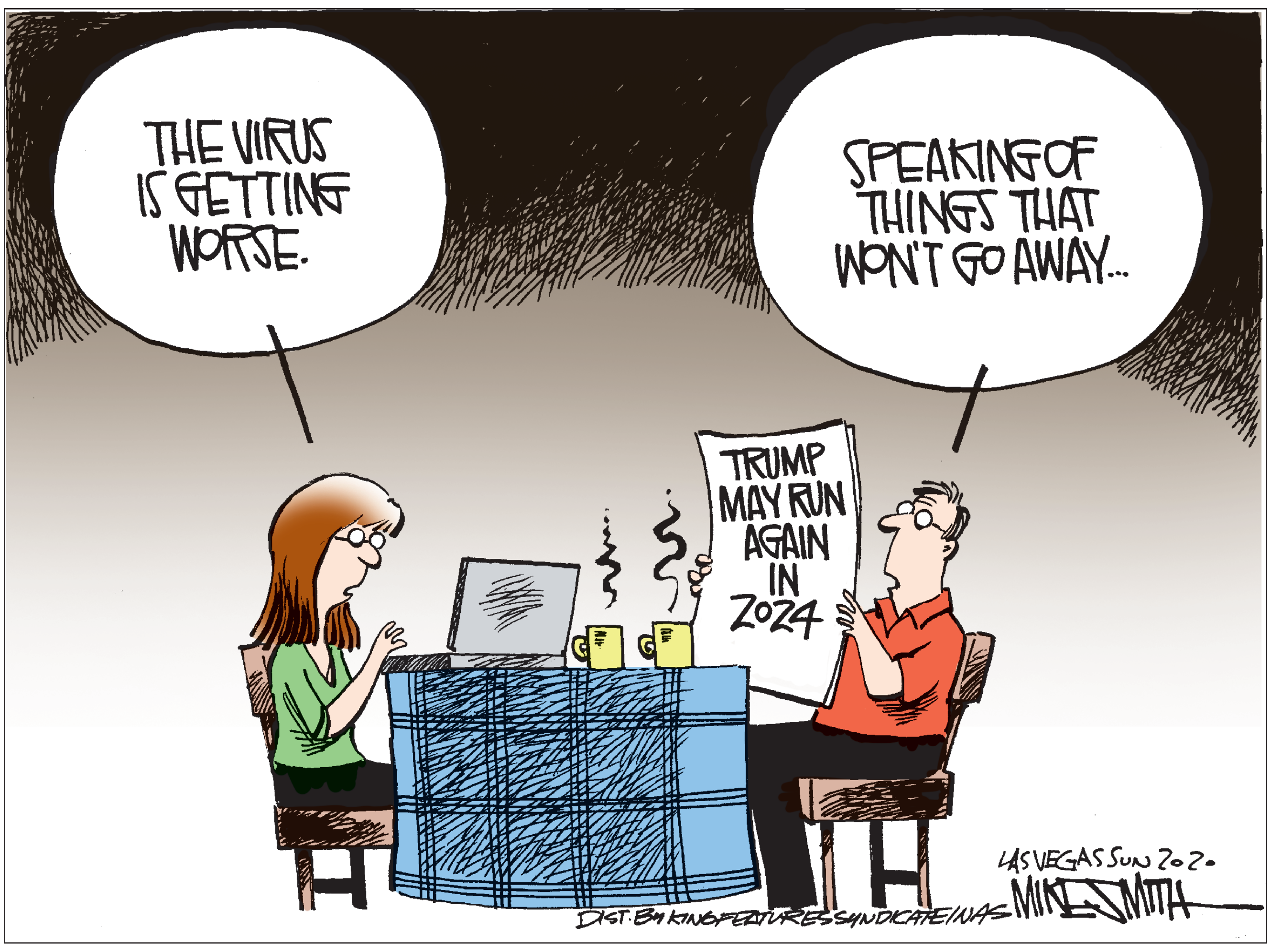
Nor is this solely about ensuring that we can continue to get our favorite burger and pancakes.

These businesses, in addition to satiating our appetites, are the backbone of our economy. They employ our friends, families and neighbors. They buy 4-H animals, and they contribute to school fundraisers and other community events.

They support the things we value.

And now it's our turn.

— Jayson Jacoby, Baker City Herald editor



Your views

Reviving America's principle of self-determination

Remember America? It used to be a shining example for people who believed in self-determination. A place where sink or swim meant that with a little effort or imagination a person could build a comfortable life for themselves in a community free from crime. Where education opened up the world of possibilities by celebrating achievement and providing functional knowledge. Since Obama these simple, functional concepts were lost to his planned divisiveness.

Then came Donald Trump, he knew how to restore fiscal responsibility, reduce the insanity of excess taxation and regulation, rebuild the country internationally and give us a strong military for our mutual defense. He attacked the problematic southern border in a pragmatic way, as promised while addressing our need for national security internally as well as by reiterating the need for a new approach to invasion by "refugees."

President Trump gave us an example of what can be done to restore our envied lifestyle despite endless attacks from the infuriated radicals and their minions. However the election plays out, Donald Trump has shown both how easy and difficult it can be to resist attempts to destroy our nation. Support his efforts or we will become the failed state that had the potential to provide the world a working model of a truly great country.

In 1776 the people were willing to pledge their lives, their fortunes and their sacred honor to establish this Nation. Many of them died or were financially ruined in that struggle but they all retained their sacred honor. Can we settle for less?

Rick Rienks
Baker City

Myths about executive orders

By Cass R. Sunstein

Here are three popular myths about executive orders:

They are a way to bypass Congress. They are an insult to the Constitution. They are new and a product of the imperial presidency. Even among serious and experienced observers, there is widespread belief in these falsehoods. That's a big problem because President-elect Joe Biden is about to issue a bunch of executive orders. Citizens need to understand what they are and what they do.

Executive orders often take the form of directives from the president to his subordinates. For example, Biden might tell the secretary of homeland security to adopt new immigration policies. Or he might direct his secretary of education to reverse President Donald Trump's civil rights policies.

Executive orders do not bypass Congress. Typically, they rely on statutes that Congress has already enacted.

If Biden directs the Environmental Protection Agency to issue new regulations to reduce greenhouse-gas emissions, he will be relying on the Clean Air Act, which is already the law. In domains including education, occupational safety, Covid-19, clean water and civil rights, Congress has given plenty of power to executive agencies. Executive orders from the Biden administration would rely on the power that agencies already have.

For that reason, they are hardly an insult to the Constitution. So long as what they order is within the bounds set by congressional enactments, they are a perfectly legitimate exercise of executive power — which is, after all, the power to execute the law.

Nor are executive orders new. They go all the way back to George Washington. Abraham Lincoln issued them, too.

In the 20th century, here are a few numbers: Herbert Hoover issued 995; Franklin Roosevelt issued a whopping 3,728; Harry Truman issued 896; Dwight Eisenhower issued 496; Lyndon Johnson issued 324; Richard Nixon issued 346; Ronald Reagan issued 381; Barack Obama issued 296. To date, Trump has issued 205.

If a president-elect, like Biden, is expected to issue a host of new executive orders, the proper response is not outrage. It is something closer to a yawn.

In the first month of a new administration, any president will mark out new directions by telling his staff what to do. And if the new president is from a different political party from that of his predecessor, new directions are inevitable. On Covid-19, climate change, immigration, health care and more, no one should be surprised, or cry "abuse of power," if Biden calls for fresh starts.

None of this is meant to deny that an executive order might raise legitimate concerns. Such an order cannot mandate action that Congress has not authorized, and some presidents have acted unlawfully or pushed legal boundaries. For example, Trump's original "Muslim ban," issued in January, 2017, was a bit of a mess, and it ran into serious legal trouble. Particular actions by the Biden administration will be carefully scrutinized by federal courts, including by numerous judges appointed by Trump. The new administration has to stay within legal bounds.

In early 2021, the Biden administration will also have to make hard decisions about how and when to approach Congress. Even if an executive order reasonably relies on power that Congress conferred in, say, 1990, members of Congress might strenuously object, in 2021, that their powers have been usurped.

Strictly as a matter of law, the objection might be baseless. But to the extent that members have strong views on (for example) student-loan forgiveness and immigration, they might feel ignored or dismissed if the president decides to act on his own, and if he does not give them a chance to enact new legislation.

For that reason, Biden and his team will have to make a series of political judgments: Even when they have the legal authority to act, ought they delay, on the ground that it's better to work with Congress, and in order to avoid some kind of breakdown in relations?

It is hard to answer that question in the abstract. Instead of trying, let's get clear about executive orders. They usually call for action that Congress has already authorized. They have a long history.

As directives from a new president to those who work for him, they are hardly an insult to the Constitution. On the contrary, they are an essential part of the U.S. constitutional order.

Cass R. Sunstein is a Bloomberg Opinion columnist. He is the author of "Too Much Information" and a co-author of "Nudge: Improving Decisions About Health, Wealth and Happiness."

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. Baker City office, 1705 Main St., Suite 504, 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.

Oregon Gov. Kate Brown: 254 State Capitol, Salem, OR 97310; 503-378-3111; www.governor.oregon.gov.

Oregon State Treasurer Tobias Read: oregon.treasurer@ost.state.or.us; 350 Winter St. NE, Suite 100, Salem OR 97301-3896; 503-378-4000.

Oregon Attorney General Ellen F. Rosenblum: Justice Building, Salem, OR 97301-4096; 503-378-4400.

Oregon Legislature: Legislative documents and information are available online at www.leg.state.or.us.

State Sen. Lynn Findley (R-Ontario): Salem office: 900 Court St. N.E., S-403, Salem, OR 97301; 503-986-1730. Email: Sen.LynnFindley@oregonlegislature.gov

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, 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 Durflinger, county treasurer; Stefanie Kirby, county clerk; Kerry Savage, county assessor.