

OUR VIEW

Should jurors be anonymous in Oregon?

The response to getting summoned for jury duty can run the range from “just my luck” to “my lucky day.” Some people really don’t want to serve. Others do.

Would it make any difference to you if your name wasn’t made public? House Bill 2539 in the Oregon Legislature would require that a juror not be identified by name in any open court proceeding. The parties in the trial would still have access to the names.

The court system is generally open to the public. That openness helps ensure the public trusts the system. If trials were held in secret, just imagine what that would do.

But there does seem to be room for some exceptions to blanket openness. The one most people point to as a starting point was in 1977 in New York City. Drug kingpin Leroy Barnes was on trial. Some called him “Mr. Untouchable” because of the inability to make charges stick against him. The judge chose to keep the identities of the jurors secret even from the lawyers working on the case.

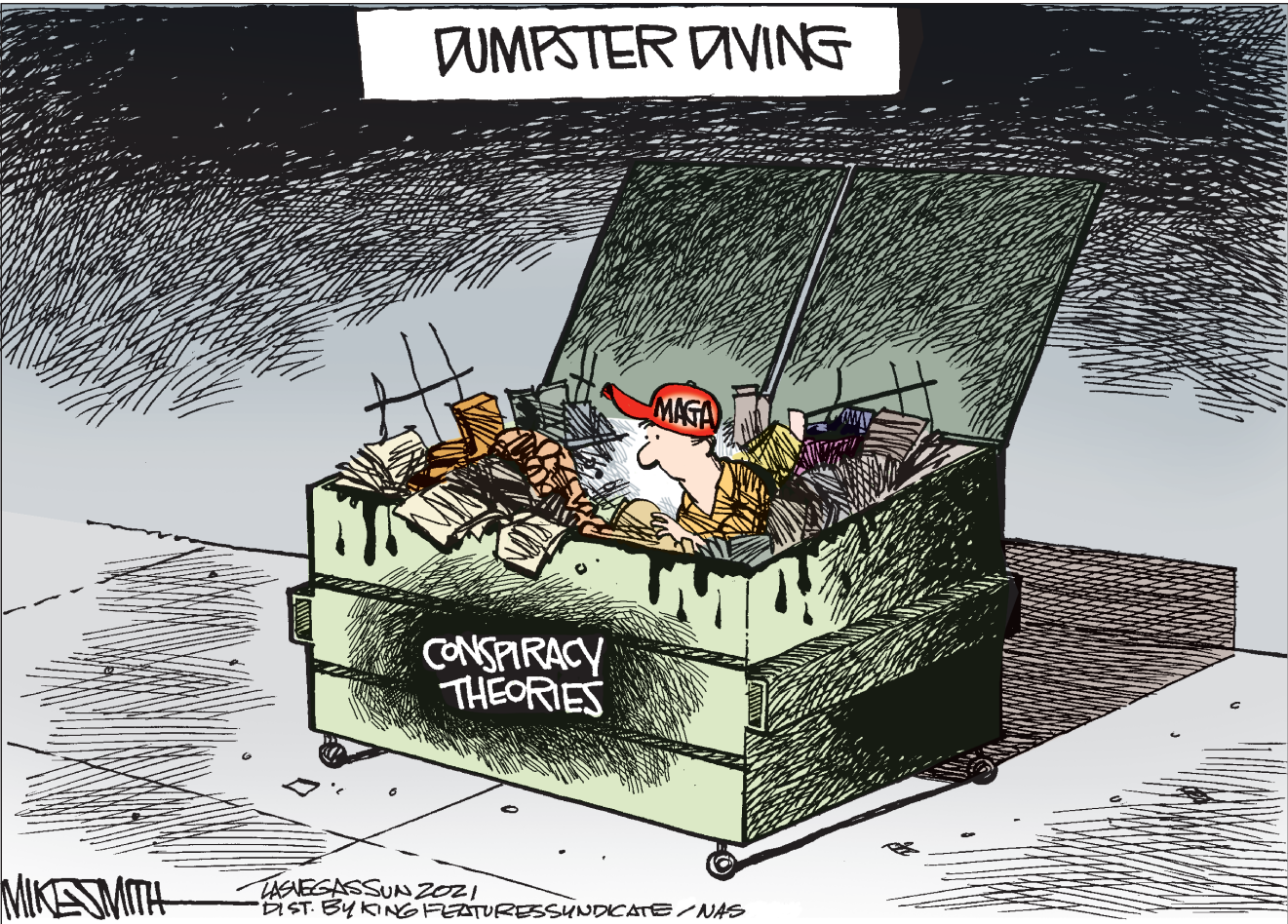
Similar choices have been made in other cases when there was a belief that there was a serious threat to the personal safety of the jurors or to the integrity of the trial. It is not a challenge to find an anecdote of a juror who has been threatened. Sometimes judges also have argued media coverage was a good enough reason to conceal the identity of jurors. There can be variations. Some information can be released to the public about jurors and other information withheld, or some information can only be released after the trial is over.

Journalists generally don’t like such secrecy, of course. We are pretty much hardwired to argue for transparent government. Anonymous juries could mean journalists won’t be able to research their backgrounds or interview jurors after the trial. Lack of journalistic understanding of what happened at a trial usually means lack of public understanding of what happened at a trial.

Anonymous juries have also contributed to failure. Once when mobster John Gotti was tried, the judge chose an anonymous jury. George Pape, one of the jurors, had ties to organized crime. He got a bribe and helped get Gotti acquitted. It’s possible if the lawyers and the media had known Pape’s identity, they could have researched his background and prevented that from happening.

HB 2539 may not be a terrible idea. But do jurors need the level of anonymity it would provide in every case?

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America can continue to be an inspiration to the world

By Ivo Daalder
“What’s going on over there?” The question from a former NATO colleague in Europe was among the many texts and WhatsApp messages that lit up my phone Jan. 6 as I watched on live television the astonishing and frightening events unfolding at the U.S. Capitol.

The level of incredulity and concern, followed by revulsion and anger, expressed by my friends and former colleagues overseas underscores the damage that was being done to our standing abroad by a rioting mob bent on overturning an election result they did not like.

The world’s oldest and most successful democracy, which for more than two centuries had stood as an example to so many around the globe, was under attack. From within. And the attack was led by a sitting president who refused to accept that most sacred of all democratic principles: that the people, through elections, get to decide who governs.

In the end, democracy prevailed. On Wednesday, Jan. 20, exactly two weeks after the failed insurrection, Joseph R. Biden Jr. will be inaugurated the next president of the United States.

And yet, while the peaceful transfer of power will no doubt come as a relief to many, the events of Jan. 6 have left a deep scar on American democracy and on our image abroad — one that won’t be healed quickly or easily. Restoring faith in democracy and the rule of law, both at home and abroad, will be one of the most important tasks of the new president and his administration.

Biden has made the return to a foreign policy based on core American values — including support for democracy, human rights and the rule of law — a top priority. But after the events of last week, it will take more than

reversing Trump’s damaging executive orders on immigration, standing by our democratic friends and allies and standing up to authoritarians or even convening a Summit for Democracy “to renew the spirit and shared purpose of the nations of the free world.”

Biden has proposed taking each of these steps, and they are all important. But they won’t mean much if we don’t also address the deep scars in our own democracy. That starts by holding to account those who challenged the outcome of the elections.

The FBI and Justice Department have set up a sedition and conspiracy task force to help identify, charge, arrest and bring to justice those who stormed the Capitol in an effort to deny the congressional certification of the presidential election. This large-scale investigation is critical to restoring the rule of law.

But so, too, is holding to account those who instigated the mob in the first place. That starts with President Donald Trump, whose refusal to acknowledge he had lost the election provided the basis for everything that followed. Conceding defeat isn’t written in law, but it is foundational in a democracy. Inciting insurrection is forbidden by law, and when a president does that, impeachment is the proper remedy.

There are others who followed Trump’s lead in challenging the results of the elections, including the many members of Congress who voted against certifying the vote of key states. Where in so doing laws were broken, justice must be served. But otherwise, it will be up to the voters to decide whether these members should continue to represent them.

While the immediate threat to our democracy appears to have been averted and the rule of law likely will be reestablished in this instance, restor-

ing faith in our democracy will require addressing some of the deeper flaws in our system.

One is the Electoral College. Although Biden received over 7 million more votes than Trump, a shift in just 44,000 votes in three states would have produced a tie in the Electoral College. In that case, the House likely would have handed the election to Trump — and for the third time in six elections, the loser of the popular vote would have become president.

This violates a core principle of democracy. Yet, getting rid of the Electoral College will require a constitutional amendment, a distant prospect in our divided nation.

But there are other remedies that Congress can enact to strengthen democracy. These include making voting registration automatic and ensuring voting itself is easier; by extending early voting, simplifying absentee and mail voting, and opening additional sites for people to cast their ballot in person. Open primaries and independent redistricting commissions could help make elections more competitive. Increasing financial transparency and reducing money in politics would also help increase the power of individual voters.

Free and fair elections, and abiding by their results, are the bedrock of democracy. That is what America has championed for decades abroad, and what many around the world have aspired to themselves. When American democracy falters, as it nearly did earlier this month, the impact is felt all around the world. And so will the collective effort to restore democracy that must now begin.

Ivo Daalder is president of the Chicago Council on Global Affairs and a former U.S. ambassador to NATO.

OTHER VIEWS

America needs to move ahead after years of turmoil

Editorial from The Pittsburgh Post-Gazette:

President Donald Trump leaves office in less than a week. What we need in those days, and beyond, is not more drama.

We don’t need more drama from the president.

And we don’t need more drama from House Democrats and their leader.

That’s all a second impeachment accomplishes — more drama centering around Trump.

The House has the right to impeach, and has exercised it. But now a trial must take place in the Senate. It can obviously not be organized and conducted, with due process of law, by Jan. 20. And no matter what evidence is presented,

it seems highly unlikely that 17 Republicans — the number needed — would vote with the Democrats to convict. Sen. Joe Manchin, D-W. Va., has said, “The votes are not there.”

A trial, if done properly, would consume the Senate and effectively delay the start of the Biden administration, when what we really need, and need desperately, is to turn the page — to move on.

There are other options: the 25th Amendment, invocation of a clause in the 14th Amendment that references insurrection and, finally, censure. But none seems likely.

And holding a Senate trial against an ex-president does not make much sense.

President-elect Joe Biden needs

to be able to organize his government and focus on fighting the coronavirus.

And Trump needs to leave the stage.

To achieve this end, we need adult supervision. Some grown-up in Washington — maybe our new president, maybe Mitch McConnell, maybe Vice President Mike Pence — needs to broker a deal. And here it is: The president resigns and leaves early and the Democrats drop impeachment.

Neither party would be giving up much at all.

And we could begin again, with a modicum of peace.

Obsessive Trump haters would not be happy. They will never be satisfied. Impeachment alone

would not be enough for the many of them literally believe to be evil personified.

Trump lovers will never see the tragic flaws of their leader, or acknowledge the damage he has done, not least of all to himself, but most of all, to the country.

Trump haters will likely get their red meat, however. And Trump lovers will, too. Many legal pitfalls await Trump. He, meanwhile, will have the bully pulpit he has made.

So why not set aside the great divide and all the hollow gestures that go with it, for now, and focus on our real problems and needs?

Let’s turn to what really needs to be done at this moment — tangible and important things.

We need a functioning govern-

ment. We need to restore civic peace and begin to rebuild civility and respect in the public square.

We need to restore respect for facts, for law, and for American political institutions.

And we need to face COVID-19, and its consequential and deepening economic recession, together, as Americans.

None of this is to diminish the gravity of the violent mob attack on our Capitol, our public servants and democracy itself. Nor should Trump’s personal responsibility be diminished or denied. He built the pyre and struck the match. But it is to recognize reality and our current needs.

Let us turn to the monumental tasks at hand and move on. w