

Opinion

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EDITORIAL

Oregon's rigid rules hurting our county

Baker County's post-spring break, post-Easter surge in COVID-19 cases is waning.

But the punishment to businesses, which haven't been implicated in the increase in infections, hasn't even begun.

Oregon Gov. Kate Brown needs to fix this unfair situation.

The state's strategy for curbing the spread of the virus is more flexible than it was during the winter. But it's still too rigid.

Brown has in effect conceded that a surge in cases at the county level doesn't necessarily justify imposing harsh restrictions on businesses such as restaurants, bars and theaters.

In mid-March the governor decided that counties, even if they have a significant increase in cases over a two-week period, shouldn't automatically be subject to more stringent limitations. Brown approved what state officials call a two-week "caution period," during which a county's risk level doesn't change.

Under the previous system, Baker County's risk level would have jumped from the lowest to the highest of the four levels ("extreme" risk) starting April 9 based on the county's 79 cases from March 21-April 3.

The county's surge continued during the caution period, with 79 more cases for the two weeks ending April 17. Based on that, the county's risk level increases to high (rather than extreme because the state hasn't reached a new threshold on COVID-19 patients who are hospitalized) this Friday, April 23. That limits indoor dining at restaurants and bars to 25% of capacity or 50 total people, whichever is fewer, compared with the current 50%. The same restriction applies to the Eltrym Theater and to indoor gyms, fitness centers and swimming pools. The capacity for outdoor events, including school sports, drops from 300 to 75.

These severe restrictions will be in effect through at least May 6, according to an announcement from the governor on Tuesday, April 20.

Lest anyone credit Brown for giving the county a two-week grace period, consider this — the county's current COVID-19 trend is decidedly downward.

Since recording a two-day record high of 30 cases on April 13-14, and 39 cases from April 13-15, the county's daily case totals have been 6, 2, 3, 0 and 6.

It seems likely that the surge, which according to the Baker County Health Department was driven largely by private social gatherings, has ended. Case numbers are trending toward the rates that prevailed from mid-January through most of March. During that period the daily average was below three cases per day, and the highest one-day total was seven.

Yet even if this positive trend continues, businesses — which, to reiterate, haven't been implicated as contributing to the recent surge in cases — will suffer for at least two weeks.

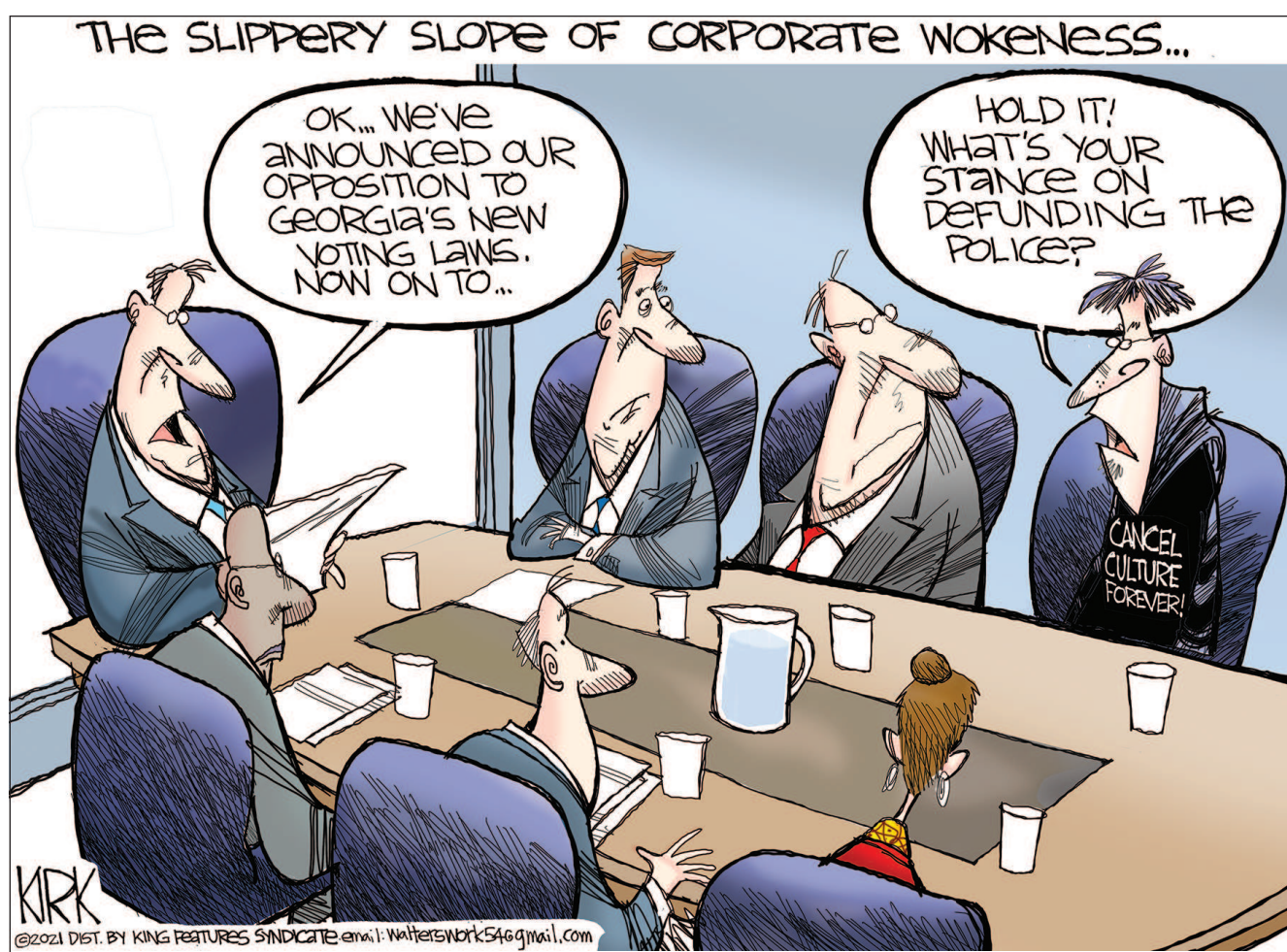
This situation, which is both illogical and unfair, highlights the need for the governor to allow county health officials to determine risk levels, and the associated restrictions, based on fresh, comprehensive data rather than stale and incomplete statistics.

Local officials are capable of determining whether restaurants and other businesses are contributing to an uptick in COVID-19 infections, and whether restrictions on businesses could be beneficial.

Early in the pandemic, when we knew relatively little about COVID-19, and vaccines were limited to the laboratory, it was sensible to have the governor and state officials dictate a statewide approach.

That is no longer the case, and business owners should no longer be subject to that blunt strategy.

— Jayson Jacoby, Baker City Herald



OTHER VIEWS

Don't 'pack' the U.S. Supreme Court

Editorial from the Pittsburgh Post-Gazette:

When Franklin Roosevelt tried to "pack" the Supreme Court in 1937, that is, expand its membership so he could bend its membership toward the New Deal and its majority ideology toward the Democratic Party, he was shut down.

The plan was to add a new justice each time a justice reached 70 and failed to retire. It would have meant six new justices.

Roosevelt was understandably frustrated with the court knocking down one New Deal reform after another.

But the court packing plan set off a firestorm. Not only the sitting justices and the Congress but the newspapers and the attentive public all let FDR know, in no uncertain terms, that he had overstepped his bounds.

It was a rare political miscalculation for a master politician.

President Joe Biden, who is a student of history, and of FDR, should learn from the mistake.

Biden is turning out to be a pretty good politician himself, and is on a roll right now. He should drop any notion of a new court packing scheme, for it is a political as well as a moral and conceptual blunder.

The political error is that it will be widely seen, as it was in FDR's case, as a power grab and presidential overreach.

The moral and conceptual error is not constitutional. Nothing in the Constitution prevents the court from being smaller, which it once was (six) or larger.

What's wrong, and it is an affliction of both parties, is changing the rules when you don't get the result you want: We lost, so change the voting rules.

Both parties have sore losers who

claimed they did not lose an election but that the election was stolen — Stacey Abrams and Donald Trump.

Now both parties want to rewrite election rules to partisan advantage — not to protect or expand the franchise but to protect their hold on office and expand their voter base.

Court packing is more of the same: Donald Trump got lucky with Supreme Court openings and Mitch McConnell was powerful and shameless enough to block one nominee of Obama nominee for the high court and push a third Trump nominee through at the eleventh hour.

So now the right has the advantage on the court and the Democrats want a do over: They lost, so change the system.

That's not honorable, logical or politically smart, because what goes around comes around.

Imagine how the Democrats would have howled if Trump had tried to pack the court.

Now, hypocrisy abounds in politics, always, especially in Washington. McConnell was against lame-duck presidents making high court appointments before he was for them.

And all the fine legal "originalists" in the GOP thought it was just fine when the Supreme Court imposed itself into a presidential election, and ended it, with no constitutional authority to do so.

When McConnell and the Democrats debate the rules of the game, be it nominations, or the rules of the Senate, be assured that it is not about the administration of law or the customs and honor of the Senate — which is what the debate should be about. Both sides are concerned with raw power and nothing but raw power.

There is no evidence whatsoever

that a larger court would be a better court. Or that McConnell's bastardized filibuster well serves the Senate.

Court packing is a power grab, pure and simple.

And Mitch McConnell is no conservative and no custodian of the Senate, like Robert Taft or Mike Mansfield. He has diminished the Senate.

As for the Democrats, they are playing with fire. There is no popular support for adding justices. And their own hold on Congress is precarious.

When Roosevelt tried to pack the court he was coming off a landslide reelection. He had a mandate. The Democrats today do not.

Nonetheless, the president has now appointed a commission (of three dozen, inexplicably) to "provide an analysis of the principle arguments in the contemporary debate for and against Supreme Court reform." It includes conservatives, as he promised it would. He should instruct them that court packing is off the table, so the commission can look at other, better, ideas, like term limits for the justices, followed by senior status and service in the lower courts if they so choose. This is not prohibited by Article III of the Constitution.

The other thing he should do is be patient. The wheel will turn again and Democrats will get the upper hand on the court once more. President Barack Obama got two picks and if he had fought for his third nominee, or held on to the Democratic majority in the Senate, he would have done as well as Trump at shaping the court.

Things are not so far out of order. They will be if we start tinkering with the system, a system that has served us well since 1788, to satisfy a momentary demand of one faction.

Getting tough with meddling Russia

Editorial from the New York Daily News:

After the prior administration got itself in hot borscht for, even before taking office, all but assuring Russia that there would be no lasting penalties for 2016 election interference, Joe Biden is setting a better precedent and imposing harsh sanctions. It's good that Vladimir Putin's government will finally pay a steep economic price for cyberattacks on America, but don't expect the penalties to change the Kremlin's behavior one bit.

Via executive order issued Thursday, April 15, Biden is imposing fresh sanctions on Moscow: prohibiting U.S. institutions from buying bonds from Russia's Central Bank, finance ministry and its sovereign wealth fund; blacklist-

ing a half-dozen large cybersecurity firms; expelling 10 Russian diplomats from their embassy in Washington, and turning the screws on more than 30 other people and entities.

It's partial payback for the Solar Winds hack, one of the largest ever network attacks on the U.S. government and American corporate interests, which was orchestrated by Russian intelligence. Digging out of the damage done could cost \$100 billion. We know too that after its infamous 2016 interference, Russia tried again in 2020 to influence an American presidential election, and thankfully failed.

When such meddling is met by weakness, as it repeatedly was during the Trump administration, it is bound to get worse. Which is not to say that

toughness cures the problem, as opposed to plunging the U.S. and Russia into a mutually harmful economic Cold War. Putin is too tough a customer for that.

Buried in the administration's response was a new assertion that U.S. intelligence agencies had just "low to moderate confidence" in reports that Russia had offered to pay bounties for the death of American troops in Afghanistan. In campaign season, that supposed crime — and the then-president's refusal to confront the Kremlin over it — was held up as proof that Trump was captive to Putin. Because of the difficulty of confirming the particular claims, Biden isn't ready to retaliate for them.

Turns out, real life is more complicated than politics. Who'da thunk?

Letters to the editor

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