

OUR VIEW

Earmarks are back. Is that bad? It depends

The big winner when the U.S. House of Representatives voted this year to bring earmarks back to the federal budget is K Street in Washington, D.C. That's where lobbyists have offices.

Is it a win for Main Street, U.S.A.? Maybe.

Earmarks — or as they are now called “community project funding requests” — can be good. They can be bad. It depends on how they are used.

A recent article in The (Bend) Bulletin outlined plans of some of the members of Oregon's congressional delegation to earmark — or specifically direct federal spending.

Earmarks do boost the importance of lobbyists in federal politics. Want to tap into the power or earmarks? Hire a lobbyist.

Earmarks do create potential for corruption.

People inevitably bring up \$233 million for the so-called “bridge to nowhere” in Alaska. That may not be the best example because it was actually a bridge to somewhere.

The better example is probably Rep. Randy “Duke” Cunningham, R-Calif. He spent 8 years in federal prison for taking more than \$2 million in bribes. He could use earmarks to direct spending toward his chosen defense contracts. Newspaper journalists won a Pulitzer Prize uncovering his corruption.

Less dramatic but closer to home is the example of former Rep. David Wu, D-Portland. He earmarked more than \$2 million in congressional spending to a company in his district for T-shirts for the Marines. The Marines could not use the shirts in combat.

Earmarks, on the other hand, did do a lot of good in Central Oregon. They helped pay for projects at Central Oregon Community College, a Redmond Airport expansion and improvements for the Deschutes River.

They enable a member of Congress to target spending to needed areas. They don't necessarily add bloat to the federal budget. They aim the federal budget. And as long as they are properly disclosed, what is wrong with that? The new plan for earmarks does require that they are disclosed.

Earmarks also shift the power dynamic in Washington a bit away from the executive branch and government workers toward directly elected local officials. They get more say about how the federal budget is spent.

When earmarks were eliminated after Republicans won midterm elections in 2010, it was celebrated as a victory for good government. Waste and corruption would find fewer ways to seep into Congress. But they are a tool. Some people may try to misuse them as they do any tool. Eliminating earmarks also eliminated the power that they have to do some good.

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OTHER VIEWS

Editorial from Chicago Tribune:

For more than a year, we've been trained to follow the science on COVID-19 transmission: Stay 6 feet apart, wash your hands, wear a mask.

So now that science from the Centers for Disease Control and Prevention indicates we can drop masks if we're vaccinated, we should expect to move through our daily lives maskless in most settings — and without side-eye. If you're vaccinated, the science says you can't spread the disease, and the chances of getting sick are extremely low.

But can we do it? Trust the honor system that when we see people maskless in public, they've been safely vaccinated? For those who considered mask-wearing a political

statement, this might be a challenge. It shouldn't be.

Illinois' Democratic governor, J.B. Pritzker, is following the federal guidelines that say “fully vaccinated people can resume activities without wearing a mask or physically distancing, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance,” according to the CDC website.

June 11 is the target date for a full reopening of Illinois, but only if cases of COVID-19 remain flat. Chicago is on a slower schedule, aiming for a full reopening by the July 4 holiday.

In a statement May 17, Pritzker said: “With public health experts now saying fully vaccinated people

can safely remove their masks in most settings, I'm pleased to follow the science and align Illinois' policies with the CDC's guidance. I also support the choice of individuals and businesses to continue to mask out of an abundance of caution as this pandemic isn't over yet.”

So let's proceed, masks on or off based on our personal comfort levels, without disapproval.

In Indiana, most counties have dropped mask mandates completely. The state of Michigan is following the CDC guidelines for mask-wearing with businesses able to implement stricter rules. Wisconsin establishments have been dropping mask mandates, prior to the CDC recommendations, after a state Supreme Court ruling two months ago

struck down Gov. Tony Evers' mask mandate.

In Illinois, the mask rules are not universal; local governments and businesses still can implement their own policies, and many have. If your gym wants to kick you out for not masking up, it can. If your grocery store keeps a mask policy in place, you still have to follow it. And if you're in any health care setting, the CDC strongly recommends a continuation of face coverings.

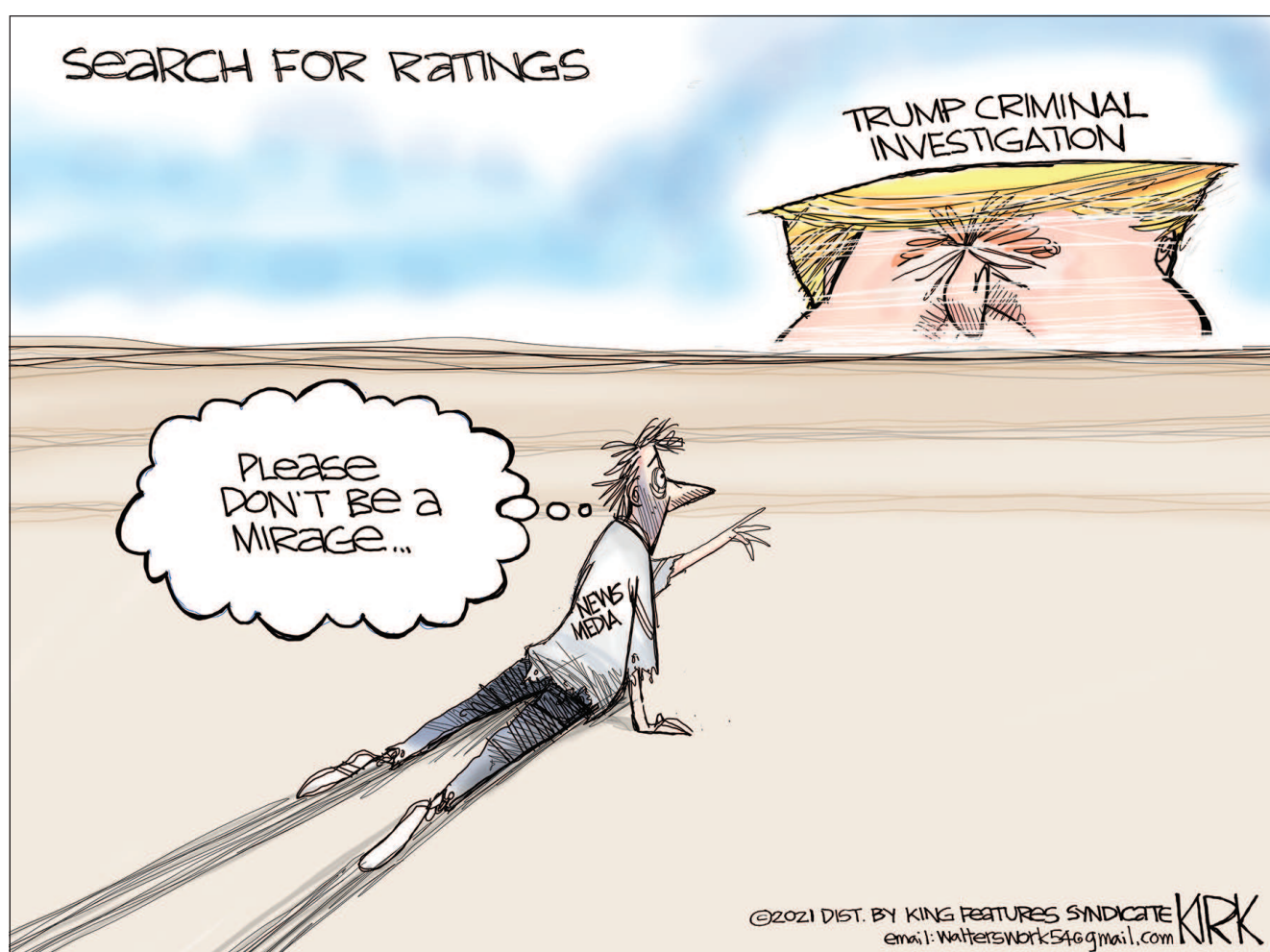
But the shaming — the confrontations and the glaring at people not wearing masks — comes to an end. Right?

In a letter to the editor published online May 19 by the Chicago Tribune, Chicago resident David

Whiteis suggests public health officials encourage unmasking for vaccinated people as a measure to protect our mental health.

“Now, though, with scientific data clearly showing that the vaccines not only protect us against contracting the disease but also lower the risk of transmission significantly, I believe that we should begin looking at unmasking (for most people) as essential to our public MENTAL health, just as masking and distancing have been essential to our physical health and survival for over a year,” he writes.

Sounds like a plan. We're making strides toward a return to normalcy. Let's embrace it — safely. Normalcy is just as important to our well-being as getting through the pandemic.



Trump criminal probe could backfire on the prosecutors

By Noah Feldman

New York Attorney General Letitia James is playing major league poker with former president Donald Trump — and she just raised the stakes. The AG's office announced that its civil investigation of the Trump Organization for filing false tax returns has now become an active criminal investigation. In response, Trump issued a 900-word statement denouncing the investigation as politically motivated.

Trump despisers may be tempted to take some heart from the news of the investigation, which will proceed alongside the until-now separate criminal investigation being conducted by the district attorney of New York County, Cyrus Vance Jr. But this is a high-risk move by James. Trump's opponents would do well to remember the sizable risk that would come with prosecuting the one-term president: He could be acquitted. And if that happened, Trump could use the bounce-back as a highly effective tool to support a presidential bid in 2024.

The announcement by James's office was brief and opaque — and it didn't mention the president by name. It said simply that the AG's office had “informed the Trump Organization that our investigation into the organization is no longer purely civil in nature” and that it was “now actively investigating the Trump Organization in a criminal capacity, along with the Manhattan D.A.”

At a minimum, the statement implies that Trump personally has not (yet) been made a direct, formal target of the criminal investigation, or at least has not been so informed. It's possible for prosecutors to go after the corporation for criminal liability even without prosecuting all of its principals. So in theory, at least, the Trump organization could be criminally charged with filing false state tax returns even if prosecutors didn't think they could prove beyond a reasonable doubt that Trump

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himself knew about the false filings.

Trump's reaction, however, suggests that he is worried about becoming a criminal target in his personal capacity. A conviction of the Trump organization is something he could explain away by describing it as merely a kind of a fine.

Most ordinary people threatened with the possibility of criminal prosecution would be well advised not to attack their potential prosecutors. The offices of the AG and the district attorney possess prosecutorial discretion that is almost absolute. It is extremely difficult — even impossible — to intimidate them out of bringing charges when they think they can prove that crimes occurred. It's a terrible idea to antagonize prosecutors who may believe that it is their public duty to make sure no one can stop them from bringing a prosecution by threats.

Trump, however, is in a different situation. For him, the best way to attempt to hold off a prosecution is to try to create conditions that would make any trial into even more of a political circus than it would in any case become. The more prosecutors worry that criminal prosecution would be perceived nationally as a political show trial, the more concerned they will be with bringing the prosecution.

That's because, from the prosecutors' perspective, the worst thing that could happen would be to bring Trump to trial and fail to get a conviction. Their own credibility would be shot. To Trump opponents, the prosecutors

would look incompetent. To Trump supporters, they would look like partisans trying to politicize the criminal justice system. What's more, Trump could ride the failed prosecution back to the White House — and the prosecution's failure would no doubt be blamed for that outcome by many observers.

It follows that, for the prosecutors, the only plausible decision to prosecute Trump would be when conviction by a New York jury would be essentially certain. And that explains, at least in part, why Trump is putting such an effort into insisting that the investigation is illegitimate. (The idea that the governor of Florida might be able to block Trump from being extradited to New York is far-fetched, legally speaking. A New York state criminal charge would almost certainly mean he would have to stand trial.)

Remember that it only takes a single dissenting juror to hang a jury and keep a defendant out of prison. It's hard to imagine a New York City jury acquitting Trump unanimously. Yet it is totally possible that Trump's depiction of the investigation as political might sway one out of twelve potential New York City jury members.

The truth is that, from a national Democratic perspective, even James's public announcement that her investigation is going criminal should be a bit worrisome. As Ralph Waldo Emerson had it, “When you strike at a king, you must kill him.” Or as Omar Little revised it, “You come at the king, you best not miss.” Unless Trump ultimately is charged and convicted, the announcement that he is under increasing criminal scrutiny will only embolden him. What doesn't kill Trump will make him stronger.

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