

Opinion

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OUR VIEW

Fewer state secrets

The secret to more open Oregon government is simple: fewer secrets.

Fewer records requests that have to go to court to have any chance of success. Lower prices or a price of zero charged by government for records the public is entitled to see. Public records should not only be accessible to wealthy individuals or big corporations.

The Oregon Legislature could help ensure those things happen by passing Senate Bill 500. The bill doesn't technically make Oregon government more open. It takes Oregon's position of public records advocate and moves it to be more independent. The position will be subject to less control from the governor's office. The bill is scheduled for a work session later this week.

Nobody in the governor's office may have done anything technically wrong in the events that led to the resignation of Oregon's first public records advocate Ginger McCall. It felt wrong to her. And the independence of the office was a critical issue in that dispute.

Oregon needs a strong independent voice helping state and local government adhere to the letter and the spirit of the state's public records law. SB 500 helps get us there.

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OTHER VIEWS

'Birthing people' unneeded change

Editorial from The Dallas Morning News:

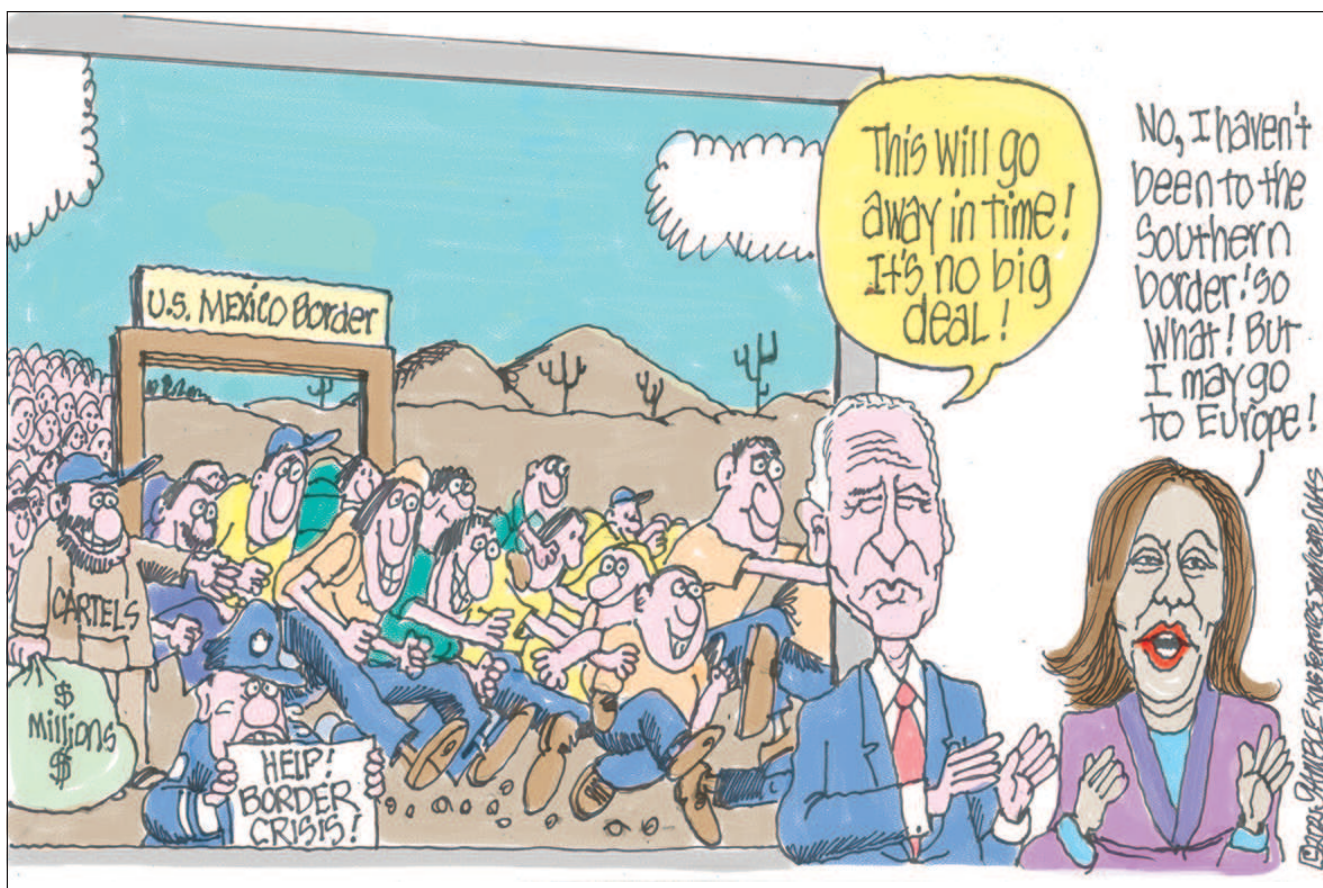
Plenty of times conservatives hyperventilate about supposed assaults on the sanctity of good ol' American values, their complaints are incendiary attempts to upset people for no good reason while running roughshod over the rights of misunderstood minorities. When transgender people seek to use the public bathroom of their choice, for instance, it hurts no one and genuinely helps them.

But now and then, progressives do something so dumb to try to redefine norms, they deserve the ire of right-wing radio and expose themselves as out of touch with the broad and sensible American middle — which, though smaller than it used to be, still exists. Such self-inflicted wounds are especially bad coming from Joe Biden, who won the presidency in part because he rejected the silliest excesses of the wokest fringes.

Consider two words in Biden's new budget: "birthing people." Even as the document correctly outlines efforts to "reduce maternal mortality rates and end race-based disparities in maternal mortality," it replaces "mother" with a made-up two-word term meant to include those who have xx chromosomes and wombs but do not consider themselves female. Pressed on the verbiage in a hearing this week, a deputy director of the Office of Management and Budget said "we think our language needs to be more inclusive on how we deal with complex issues."

All humans are worthy of respect and equal rights. There's nothing wrong with reasonable adjustments to include more people, like asking kids to take a permission slip home to their parent or guardian rather than their mom or dad. But the mere fact that some consider themselves neither men nor women ought not force us to extinguish from our common terminology the deeply ingrained, gender-rooted words that describe the vast majority of the population.

If progressives think they can win people over while demanding a total rewrite of our most basic vocabulary, they are dooming America to an ever-escalating culture war — a war the tolerant, inclusive good guys (can we still say that?) are sure to lose.



Justice Department backing Trump policies not a problem

By Michael McGough

In recent days the U.S. Justice Department has taken positions that have disappointed Democrats and others because they defend legal arguments that the Trump administration espoused.

For example, on Monday the Justice Department reaffirmed the position taken during the last administration that Donald Trump can't be held personally liable for demeaning remarks he made as president about E. Jean Carroll, a writer who has accused him of raping her before he was elected. In 2019, after Trump took office, Carroll sued him for defamation.

The department also said in a filing in a federal court in Oregon that it would defend an exemption for religious schools from some anti-discrimination protections. That statement came in a case in which LGBTQ students at conservative religious colleges are suing the U.S. Department of Education, alleging that the government is assisting schools that oppress sexual and gender minority students.

The two cases raise different legal issues.

As Harry Litman explained in an op-ed column in The Times last year, the Justice Department's position in the Carroll case is based on a federal statute that converts lawsuits that arise in the course of federal employees' work

into suits against the United States.

In the case involving the religious colleges, the Justice Department said that it would defend an exemption for religious institutions in Title IX of the Education Amendments Act of 1972, a federal law that prohibits sex discrimination by federally aided educational programs. Ordinarily the Justice Department defends the constitutionality of laws enacted by Congress.

On Wednesday, June 9, Attorney General Merrick Garland addressed concerns that the Justice Department was taking positions that benefited Trump or his policies when he testified before a Senate subcommittee.

In response to a question from Sen. Patrick J. Leahy (D-Vt.), Garland said that "the job of the Justice Department in making decisions of law is not to back any administration, previous or present. Our job is to represent the American people and our job in doing so is to ensure adherence to the rule of law."

Garland also drew a distinction between law and policy, noting that the Biden administration had reversed several decisions by the Trump administration in the latter category.

The White House has characterized as "policy direction" President Joe Biden's decision that the department will no longer seek the phone and email records of reporters as part of leak

investigations.

The distinction Garland drew between law and policy is arguably too neat. For example, when the Obama Justice Department declined to defend a key provision of the Defense of Marriage Act in court, policy seemed as important as legal considerations.

Policy may also have played a role in Garland's position in the Title IX case. Writing in Slate, Mark Joseph Stern noted that the Biden Justice Department's promise to defend the religious exemption in Title IX comes in the context of opposing intervention in the case by an association of Christian colleges that might make more sweeping arguments for exempting schools from civil rights laws. That legal strategy could be seen as consistent with the administration's policy of supporting gay rights.

Still, Garland's general point remains. Given Trump's efforts to politicize the Justice Department, Biden concluded that he needed an attorney general who would be seen as independent and nonpolitical. That was the right call even if it means that the Justice Department takes some positions in court that benefit Trump or his supporters.

Michael McGough is the Los Angeles Times' senior editorial writer, based in Washington, D.C.

Your views

City shouldn't spend money to silence train whistles

I am very happy to see that Mayor Kerry McQuisten's preference, concerning the train whistle, is to put the issue on the May 2022 ballot. My main concern is in using city taxpayer dollars for a project that 82% of the residents opposed in 2002. Years ago I had to pay a "sidewalk" fee so I could help my neighbors replace their sidewalks. Then I had to pay a "safety" fee so we could hire more police officers to protect the town. Now, I don't want the opportunity to pay a "quiet" fee to stop something I enjoy listening to. If the Neighbors for a Safer, Quieter and Healthier Baker City (NSQHBC) want to spend their own money quieting the horns, then that's a different story. That would only be about \$1,000 per person that signed the petition. The analysis for this project would not be free. It would cost another \$30,000 to have the analysis completed.

Has anyone talked to the people/city council in La Grande to find out public feedback from their \$200,000 spent silencing of the train whistle? Has anyone actually looked at the concrete barriers

installed at the train crossings in La Grande, were you impressed? They are pathetic, six-inch-high strips of concrete with tubes of PVC pipe sticking out of them. Some contractor made a killing on that contract with the city.

Can someone fact check Bev Calder's memory about the crossing improvements estimate in 2001 (it was actually 2002) being around \$500,000? As I recall the maximum, luxury estimate was \$500,000. The minimum improvements option with concrete barriers for two of the five crossings was \$100,000.

As I recall (because I was there), the NSQHBC had an open house at city hall in late 2019. They had stations set up showing their proposals for each of the railroad crossings. Dozens of people showed up for those presentations.

The South Baker Intermediate School is a very concerning situation. The school was built in the mid-1950s. The train was already going by then, just saying. Years ago, I attended a Red Cross hazard awareness meeting. People discussed various hazardous situations that would be devastating to the people of Baker City. Finally an

Oregon State Highway trooper got up and told people, Baker City has two disastrous scenarios that would affect people. Number one would be a train derailment in town. A couple years ago, the paper published a picture of the little kids playing outside while the train was going by, now picture little children running from a derailling train. Nobody ever talks about extra rail inspection for the tracks within city limits. Don't think it can happen? Just ask the folks of Mosier, Oregon.

I have lived in Baker County since 1982 and actually lived in Baker City since 2002. When I was looking to buy a house it seemed like a no brainer not to buy next to the railroad tracks.

I have washed my car at the car wash at Broadway and 10th when the train came by, blowing its horn. I remembered hoping that my heart would start again. But then I remembered that very site was where a Baker Hotel used to stand, accommodating guests from the train station.

Roger LeMaster
Baker City

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President Joe Biden: The White House, 1600 Pennsylvania Ave., Washington, D.C. 20500; 202-456-1111; to send comments, go to www.whitehouse.gov.

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

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