

EDITORIALS & OPINIONS

The Bulletin
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State must do more to ensure audits are done

Every year, it's pretty much the same story. A new statewide audit report is issued. Similar results.

Oregon requires many local governments to do audits. Some don't.

More than 1,100 smaller organizations — school districts, towns, fire districts and more — are required to do this class of audit. Some sort of financial problem was found in more than one-third of them. Another 22 did not file.

It's good that problems are found in audits. That's why the state requires them. When a problem is found, it can be fixed. Often a problem can be corrected easily by doing such things as putting in more checks and balances in how money is handled or simply correcting a policy. It doesn't mean anyone was stealing your tax dollars. But when agencies don't even file, it's at least worrying.

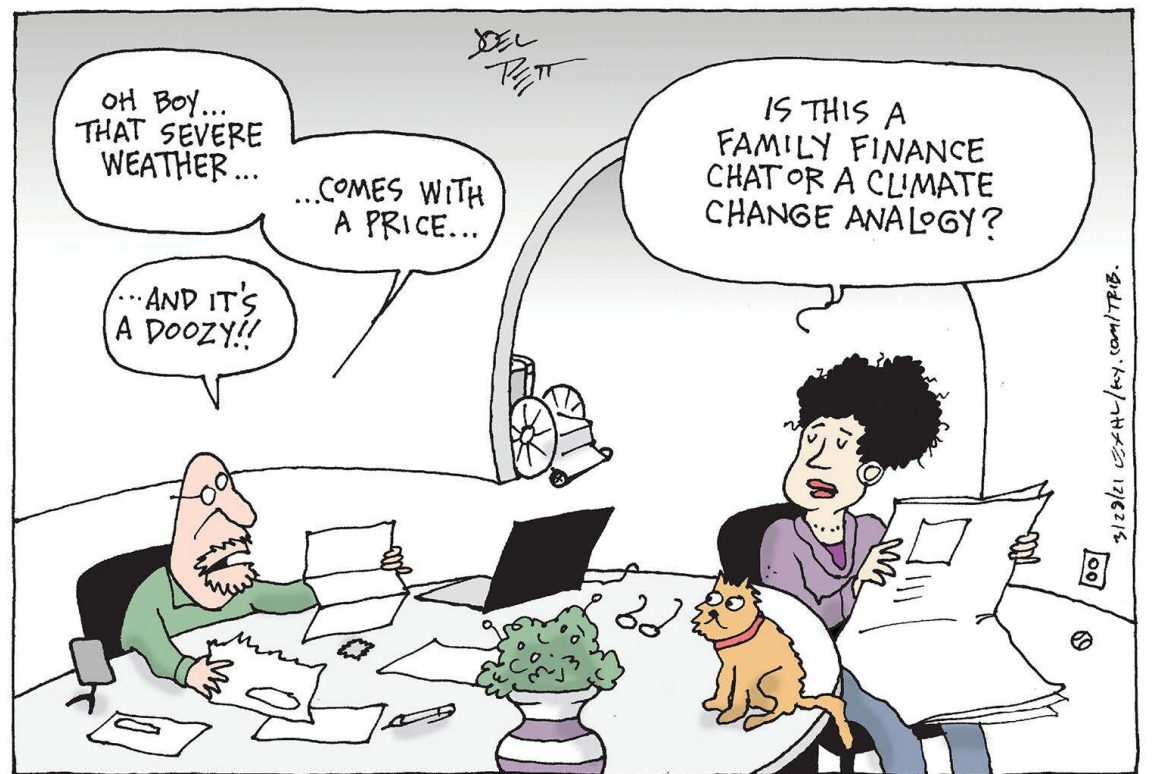
The Alfalfa Fire District in Deschutes County was one of the 22 that did not make the filing deadline. It is working on getting it done, but had trouble finding an auditing firm to take it on. It did find a firm to do the work, the district told us Friday. The smaller and newer public agencies, such as Alfalfa, are frequently the ones that have problems meeting the auditing requirements.

This has been going on for years. We have written about it repeatedly. Oregon has yet to have a secretary of state to get serious about fixing it. Will

Shemia Fagan be the one? What will her office do?

Her office told us: "The options are fairly limited and vary depending on the type of municipality. Counties and cities that do not file timely reports are subject to withholding of 10% of certain state funding" from the state. "If a special district does not file required reports for three years, under state law, the secretary of state must send a dissolution notice to the respective county. The county will proceed to dissolve the municipality. Additionally, for school districts and ESDs, failure to provide the required reports could result in actions taken by the Department of Education." Her office also said it will be working "with our municipal audits team to identify possible statutory updates in future legislative sessions that would strengthen penalties and ensure greater compliance."

That's fine, but we are not sure more punishment is what is needed. It could be there need to be more resources provided by the state to smaller public entities to ensure they can get their audits completed. After we pointed that out, her office clarified it will be looking at that, as well. For all the talk Oregon politicians make about being careful with our tax dollars, let's get this done.



My Nickel's Worth

Cars are needed in Bend

Several years ago, there were some folks beating the drum for no more cars in Bend. Apparently, it hasn't stopped, according to the editorial in the Sunday Bulletin. Why so much dislike toward persons who do not have convenient access to the lame bus service, or don't ride bikes every day, or live a long ways from grocery stores, pharmacies and other shopping locales.

I happen to be a senior in my 70s. We live in southeast Bend. Our regular grocery shopping is done at Trader Joe's and Food 4 Less. What bus goes there conveniently for us? How many bags of groceries am I supposed to carry on a bicycle? Is it safe for a senior to be riding on the parkway? My doctor happens to be in the NW Crossing area. All the way across town. I like my car. It is in very good condition. And paid for. We go hiking outside of town. How can we go to Smith Rock without a vehicle? Where do we carry our kayaks if we decide to go to Sparks Lake?

So are all of us who have cars and driveways or space in front of our houses, duplexes, apartments, etc., going to be looked down on for driving? Are we to be banned from parking in certain areas? Maybe if building so many apartments was slowed down, there wouldn't be such a problem.

— Barbara "BJ" Thomas, Bend

Some praise for COVID-19

I read in The Bulletin of March 22 that the Oregon House has shut

down for 2 weeks because of fears about legislators being exposed to COVID-19. Hallelujah! For, as one Gideon J. Tucker once observed, "No man's life, liberty or property are safe while the legislature is in session." Regrettably, however, our legislators will eventually return.

— Mike Koonce, Bend

Deliver on climate action

In Oregon's 2020 legislative session, for the second year in a row, Republicans walked out of the Capitol, breaking the quorum and preventing many important proposals from being discussed and voted up or down on the floor. Chief among these was a well-crafted bill to establish a meaningful greenhouse gas emissions program for the state, which would have reduced emissions and provided economic support for rural Oregon and other disadvantaged Oregonians.

By firmly throwing their fellow Oregonians, our children and grandchildren, under the oncoming bus of climate chaos, Republicans essentially forced the governor to sign Executive Order 20-04. This charges state agencies to develop plans that establish an Oregon Climate Action Plan to achieve the goals of the above 2020 legislation.

While some agencies started off well by energetically trying to reduce greenhouse gas emissions or remove them from the atmosphere, others were resistant or simply and falsely claimed they were already doing everything they could.

The science is as clear as science can be: Earth is spherical, COVID-19 is real and human-induced greenhouse gas emissions are driving us towards a cliff beyond which life as we know it will be devastated. Rural Oregonians demand an effective Climate Action Plan.

— Trisha Vigil, Medford

First Amendment failure

We are traversing challenging times. In part, this is due to a direct assault on the concepts that underlie the First Amendment assurance of freedom of speech.

We can continue to utilize the Socratic method or abandon it. We can continue to play the devil's advocate or abandon it. But if we choose abandonment, we are worse off for that decision.

The benefit of freely, and without fear of retaliation, expressing our viewpoint is to make both the speaker and the listener better informed. How do I know that my opinion or fact assumptions are flawed, absent carefully listening to opposing views. And, perchance, my contrarian opinion, might persuade others.

Unfortunately, we are living in a era, in which conflicting views are enforced by shaming, threat of boycott, personal injury and worse. It brings to mind, the brown shirts of Nazi Germany.

We need to return to free exchange of thoughts, facts and beliefs to salvage the freedom that our Founders held dear to a functioning republic.

— Thomas Triplett, Bend

Historical editorials: Support for Bayley

Editor's note: The following historical editorials originally appeared in the March 30, 1906 edition of what was then called The Bend Bulletin.

Western Crook it now appears will be allowed to name the new county commissioner without any opposition from other parts of the county. Only two candidates are in the field and both of them are Western Crook men — Bayley of Laidlaw and Fisher of Madras.

Commenting on Western Crook's desire for representation in the county court, the Prineville Journal says the request is a fair one and simple justice demands that the western part of the county be given a commissioner.

The Laidlaw Chronicle, referring to the candidate from this immediate section, gives the following good and sufficient reasons why R.H. Bayley should receive the nomination and election to the commissionership:

"Because the west side of the country is entitled to representation in the

county court. Because he is acquainted with the needs of the people in the matter of roads and bridges and because he will represent the entire county as well as the western part. Because he is a man who has made a success of his own affairs and this gives promise of success in county business. Because he is a property owner and will not recklessly spend the people's money. Because he is honest, fair, progressive and careful."

The voters at the primaries on April 20 should remember Mr. Bayley with a large vote.

...

The gasoline street lamps which the city council has had placed at the corner of Main and McGreese streets (in Antelope) as an experiment in street lighting, is a great improvement over the dinky kerosene lamps which have proved to be an expensive failure. It is probable that the city will install several new gasoline street lamps this fall.

Editorials reflect the views of The Bulletin's editorial board, Publisher Heidi Wright, Editor Gerry O'Brien and Editorial Page Editor Richard Coe. They are written by Richard Coe.

Letters policy

We welcome your letters. Letters should be limited to one issue, contain no more than 250 words and include the writer's signature, phone number and address for verification. We edit letters for brevity, grammar, taste and legal reasons. We reject poetry, personal attacks, form letters, letters submitted elsewhere and those appropriate for other sections of The Bulletin. Writers are limited to one letter or guest column every 30 days.

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Your submissions should be between 550 and 650 words; they must be signed; and they must include the writer's phone number and address for verification. We edit submissions for brevity, grammar, taste and legal reasons. We reject those submitted elsewhere. Locally submitted columns alternate with national columnists and commentaries. Writers are limited to one letter or guest column every 30 days.

How to submit

Please address your submission to either My Nickel's Worth or Guest Column and mail, fax or email it to The Bulletin. Email submissions are preferred.

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American cities have regulated guns, yet now most cannot

BY JOSEPH BLOCHER

Special to The Washington Post

After Monday's mass shooting in Boulder, Colorado, Congress is once again considering federal measures to curb gun violence: President Joe Biden has proposed a ban on assault rifles and high-capacity ammunition magazines, among other steps. But revising state laws that prevent localities from regulating firearms should be no less a priority. That's because, for all the heated rhetoric around the Second Amendment, state laws are a far more significant barrier to gun regulation than the Constitution.

The Supreme Court has never held that the Second Amendment forbids densely populated urban areas from reasonably regulating weapons within their borders, a common practice since the nation's founding. Even after the Supreme Court's 2008 decision in District of Columbia v. Heller established an individual right to keep and bear arms for certain private purposes — a significant shift in gun-related jurisprudence — relatively few gun laws have been struck down by courts. In-

deed, Justice Antonin Scalia wrote in the majority opinion that Heller would not affect "longstanding prohibitions on the possession of firearms by felons and the mentally ill," bans on guns in government buildings, or "laws imposing conditions and qualifications on the commercial sale of arms."

State "preemption" laws, however, limit local officials' power to impose gun restrictions beyond those set by Congress and the state government. Given the widespread inability or unwillingness to legislate on guns on Capitol Hill and in statehouses, that leaves little room for local action. Preemption laws strip local jurisdictions of the ability to tailor gun regulations to their particular circumstances — even when there is political support for doing so.

Consider the fate of Boulder's attempt to regulate guns. After the mass shooting at a high school in Parkland, Florida, in 2018, Boulder tried to protect itself against similar threats by banning assault weapons and large-capacity magazines within city limits. A state court struck down that ordinance

just a few days before a 21-year-old man carrying an assault weapon allegedly massacred 10 people in a King Soopers grocery store in the city. The judge's decision had nothing to do with the Second Amendment: He ruled that Boulder's restrictions violated Colorado's preemption law.

Over the past several decades, the National Rifle Association and its allies have promoted such laws with great success. In 1979, seven states fully or partially preempted local firearm regulation. By 1989, 18 did so. Today, more than 40, including Oregon, preempt some or all local gun regulation. Some impose large fines on local governments or officials who do not toe the line — and require their removal from office. This is a legal transformation on par with the Heller decision — a sharp break from tradition.

Throughout American history, guns have been regulated more stringently in urban than in rural areas. The logic is self-evident: In crowded urban areas, the consequences of gun misuse, including death and injury to bystanders, are higher. In rural areas, mean-

while, there are more opportunities for the lawful use of guns (recreational shooting and hunting, for example), and police response times tend to be longer, thus strengthening the self-defense argument for gun ownership. In a 1969 case in which a man challenged San Francisco's gun registration requirement, arguing that the state did not require registration — and that the state was the proper regulatory authority — the California Supreme Court wrote that it "should require no elaborate citation of authority" to conclude that "problems with firearms are likely to require different treatment in San Francisco County than in Mono County."

The costs of rigid uniformity are considerable. Most Americans live in urban areas, and a disproportionate number of gun-homicide victims die in them. Support for gun regulation is, unsurprisingly, higher in cities than in rural areas. And yet preemption laws forbid cities from imposing their own regulations to stem the violence.

Of course, some rules should be set at the state or federal level. Manufac-

turing requirements and background checks, for example, cannot be administered effectively by local governments. And there are constitutional and practical limitations on what local gun laws can achieve. Local prohibitions on classes of weapons, like the one Boulder attempted, can be partially undermined by lax regulation in neighboring jurisdictions. But that is not a reason to forbid such efforts. If AR-15s were illegal in Boulder, a person carrying one in public could immediately be stopped by police. Rural Coloradans could still opt for a more permissive system, recognizing that AR-15s are used for hunting and recreation. By requiring one-size-fits-all rules, preemption laws forbid this kind of responsive local decision-making.

When local communities seek to protect themselves with constitutionally sound gun laws, they invoke the same interest in personal safety that gun owners claim: They are attempting a form of self-defense.

Joseph Blocher is the Lanty L. Smith '67 professor of law and co-director of the Center for Firearms Law at Duke Law School.