

EDITORIALS & OPINIONS

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What’s the right price for public records?

A police bodycam recording, emails between politicians or data about COVID-19 cases can tell a story that Oregonians want to know and some in government contrive to hide.

Oregon’s public records laws are strong on paper. But there are many examples where government bodies seek to delay or outright deny requests. And sometimes the fees charged for the records can be prohibitively pricey. Charge enough and it’s just the same as any denial.

Examples drive that home. A Bulletin reporter made a public records request from the organization that oversees this region’s bus system, the Central Oregon Intergovernmental Council. The reporter sought the complaints filed from disabled and low-income riders. After more than a year of waiting, the reporter got the documents in 2016. The complaints were indeed few compared to the volume of rides provided, though some complaints were serious. Passengers said drivers were putting them in danger.

In another example, in 2018, when iPads were still relatively new in the Bend-La Pine Schools, a Bulletin reporter asked for a list and the price of apps and textbooks purchased for student iPads. The district said the price would be \$2,000 because of the staff time to collect it and the cost of a lawyer to go through and redact anything necessary. The district did lower the price to \$1,000, but that was still too high a cost.

Those are relatively extreme examples from a few years ago. COIC made changes to its public record policy. And at least when The Bulletin’s editorial board requests information from the school district, the

response is swift and reasonable. Fees charged, though, continue to be an issue for journalists, the public and governments.

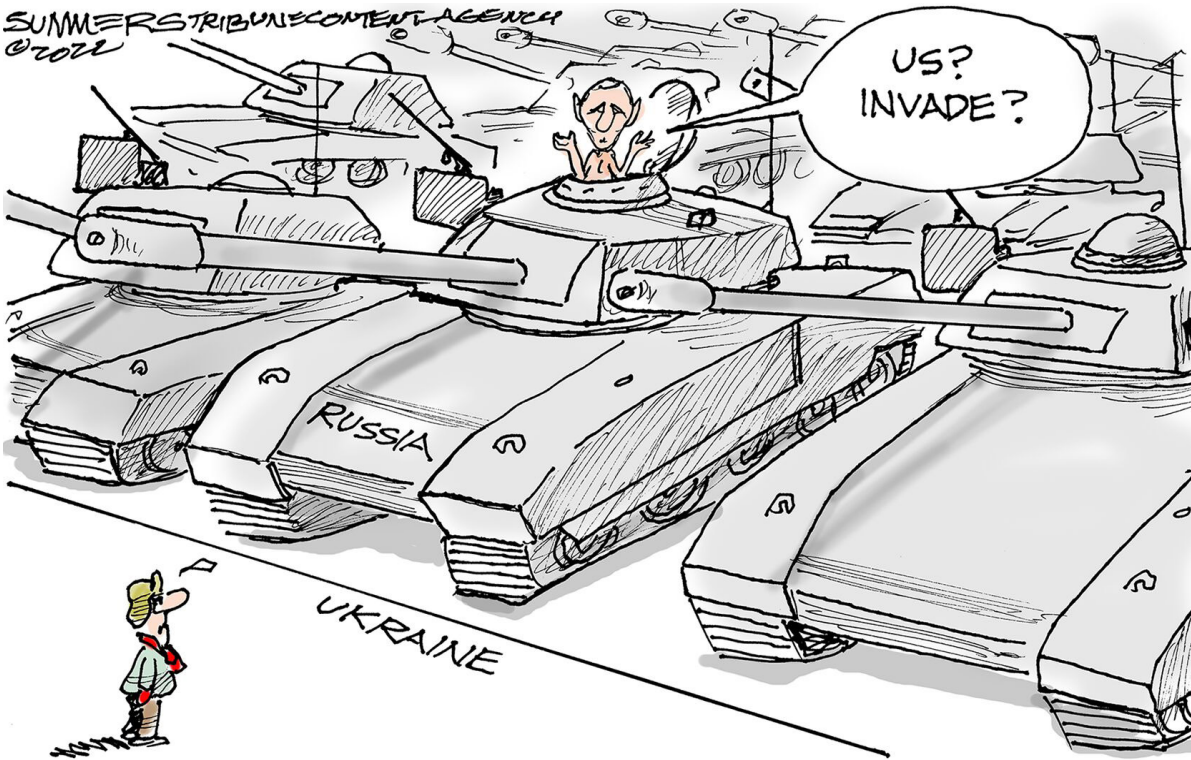
Oregon’s Public Records Advisory Council is looking for solutions. The council is a state body whose power comes from its ability to study and make recommendations. It’s up to legislators to weigh the recommendations and make any changes in the law.

The council has heard from journalists. It knows complying with some requests are a burden for government agencies. And there are companies who make vast requests for public documents and turn around and sell the information. How should state policies be written to handle that?

The council reviewed last week a proposal to have the Legislature’s Policy and Research Office look into how other states handle such matters. What are the fees charged? How are the fees determined? Does the public get charged for legal fees for review and redaction?

Then there is the matter of fee waivers. In Oregon, journalists frequently request a fee waiver, arguing that what they are doing is in the public interest. Sometimes public bodies then waive the fees or reduce them. How is it done in other states?

All that information could be useful. The more difficult question to answer will be what options work best. Journalists may see it one way. Other members of the public another. And government agencies a third.



A possible Snake River dams solution

BY JIM GREER

The question of “should the lower four Snake River dams be removed to save salmon?” seems never-ending, while a potential solution is now within reach. With the many stakeholders, such as power utilities and conservation groups, dug in with opposing positions siding with either “the dams should stay” or “the dams must go”, one could conclude there is no possible resolution.

For over three decades the populations of Snake River salmon and steelhead have plummeted to levels nearing extinction. Billions of dollars have been spent on fish ladders, water release programs, habitat restoration, removal of road culverts and other stream blockages, killing of predators like cormorants, sea lions and smolt-eating pikeminnows. Hatcheries have been built to raise and replace the wild steelhead and salmon for human harvest, but the protected wild component of these fisheries is still at all-time lows.

Lawsuits and judges are drawn into the fray to determine if plans developed by agencies are adequate for recovery of the salmon and steelhead. Invariably the plans have been found to be insufficient. The scientists found smolt mortality is more than 20% at each lower Snake River dam as they migrate downstream. The surviving fish must then negotiate the remaining four Columbia River Dams and reservoirs. Ocean conditions and climate change have also added their impacts to the equation in recent years.

GUEST COLUMN

So, whose ox is being gored? Besides the fish, the biggest losers are the Native American tribes that culturally, spiritually and for sustenance have depended on salmon for thousands of years. Sport and commercial fisherman and the communities and businesses associated with these activities are huge economic losers.

Utilities make the case that the lower four dams provide reliable, and carbon free electricity, while fearing the wrath of their customers if electric rates were to rise. At the same time new clean energy technologies and conservation programs are expanding quickly and adding replacement power to the electrical grid.

The state’s scientists say that removing these dams will give the fish a long-term fighting chance. Their data show no matter what has been done to date, the wild fish populations continue to decline. Conservation groups make the case for salmon recovery, increasing biodiversity, and adding jobs and economic gains through new recreational opportunities. With the dam removal option, irrigators, grain growers, barging companies and others dependent on the dams fear lost livelihoods. Many politicians appear to see the challenge of consensus too high of a mountain to climb. Tribes remind everyone of what the United States promised to them in treaties and agreements made long ago.

So yes, saving salmon is a highly complex problem. However, there is a proposal on the table today that addresses most all of the concerns. U.S. Rep. Mike Simpson, a Republican from Idaho, has put forward a draft plan he calls The Columbia Basin Initiative. He has a big picture view of the future of wild Snake River salmon and steelhead and where they are headed and the costs and impacts to those affected by dam removal. He and his staff have done extensive reviews of the science and past mitigation actions and have concluded dam removal is the only option for success. The Initiative addresses all aspects of the controversy, how issues will be addressed, and the federal dollars used to cover the costs. Simpson notes that several congressional representatives and senators from the four states involved (Montana, Idaho, Washington and Oregon) sit in powerful committee positions, which makes now the time to move forward. We need support from all of our congressional representatives as time is running out for these iconic fish species.

I encourage you to look at Rep. Simpson’s initiative at the Columbia Basin Initiative and contact federal senators and representatives to get their support and ask your friends across the four states to do the same.

■ Jim Greer lives in Sisters. He is a former director of the Oregon Department of Fish and Wildlife and the former chief of the U.S. Fish and Wildlife Service, Wildlife and Sport Fish Restoration Program.

Making high school football a fair fight

Friday night. High school football. The band. The cheerleaders. The crowd. It can still be quite the event, even if the pandemic and chronic traumatic encephalopathy have clouded those Friday night lights.

So when the Oregon School Activities Association’s Football Ad Hoc Committee proposes changes, it’s worth looking at what they have in mind. We read in The Oregonian the committee is considering a policy to make football teams playing down a classification to be ineligible for post-

season play.

Teams are allowed to play down a classification if they have been losing, a lot. They are allowed to play down if they had an in-class winning percentage for 22% or less over the previous two years. But what about when a team that plays down keeps winning or making it to the championship? Is that fair?

We don’t pretend to know the right way to solve this problem. If you want, you can contact the OSAA and tell it what you think. The website is osaa.org.

Letters policy

We welcome your letters. Letters should be limited to one issue, contain no more than 250 words and include the writer’s 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.

Guest columns

Your submissions should be between 550 and 650 words and 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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What if Democrats lose and Republicans become a majority party?

BY MEGAN MCARDLE

The Washington Post

WASHINGTON — What happens if Democrats lose in 2024?

I don’t mean “What if Republican-controlled legislatures override the results of the presidential election?” or even a less noxious “What if a Republican wins the electoral college but loses the popular vote?” I mean, what if Democrats just . . . lose?

The question is admittedly speculative, but it’s not as far-fetched as my left-leaning readers might imagine. They ought to start imagining it, however, because the more the left assumes it can’t happen, the more likely it becomes.

Democrats have gotten out of the habit of thinking of the Republican Party as a normal opposition that sometimes beats them by the simple expedient of winning more votes. Even before Jan. 6, they often saw Republican victories as a bit of a cheat, the product of voter suppression, gerrymandering and the bad luck of a Constitution that grants outsized influence to low-population states. Democrats push election reforms so aggres-

sively because they believe their cause is right. But it’s also true that they tend to assume that any accessible, fair and honest system will give the majority of votes to Democrats.

It’s understandable that they’d think so, since our current system gives such outside influence to low-population states where Republicans outperform. And frankly, often, Republicans act like losers who can’t win elections fairly — the brazen gerrymanders, the craven coddling of Donald Trump’s “stop the steal” twaddle.

Yet the belief in an “emerging Democratic majority” predates any Trumpian alarm bells. It goes back to a 2002 book by John Judis and Ruy Teixeira that outlined how demographic change could give Democrats a durable advantage. Over time, the left elevated the authors’ modest hypothesis into a prophecy; in 2016, one heard repeated suggestions that Republicans might never win another presidential election.

That belief helped shift left-wing politics further leftward — less need to worry about wooing moderates when you can instead just turn out your growing base. Yet that leftward

shift alienated a chunk of white working-class voters whom Judis and Teixeira had counted on keeping in the Democratic camp. Now, Teixeira is warning that Democrats risk losing many Hispanic and Asian voters, too.

Those are demographics they can’t afford even to win much less decisively. Election analyst Sean Trende recently told me that, all else equal, if Trump had won roughly half of Hispanics in 2020, he would have won the popular vote.

In reality, Trump got only about a third of them. But that was up from around 28% in 2016 — and now, a recent Wall Street Journal poll shows Hispanic voters evenly split between the parties. Democrats haven’t slipped as far with Asian voters, but Teixeira documents troubling signs for the party in New York’s mayoral race and Virginia’s gubernatorial election.

One can imagine Republicans building a working majority by picking up larger minorities of Hispanic and Asian voters, while winning back some educated white voters angry about school closures or worried about crime. That’s a possibility the left needs to prepare for.

A left that understood it could lose, outright, would still care about election integrity. But it would also try to stem recent losses by shifting focus away from the divisive issues that excite young progressives, and toward bread-and-butter policies that are broadly popular. That left would also make some contingency plans in case everyone does their best, and Republicans win anyway.

For example, the left has increasingly defined itself as a coalition of progressives and people of color against reactionary whites. Would that be a viable organizing principle in a world where Republicans win a sizable percentage of non-white votes?

Beyond that, what sort of political positions should the left adopt, if Republicans start to outpoll them? The belief in a frustrated Democratic majority has made the left increasingly critical of the anti-majoritarian features of American democracy. How well will those criticisms read if Democrats take their turn as the party that can’t quite win a popular majority? Might their future selves come to appreciate the filibuster, celebrate the electoral college or regret their en-

dorsement of various court-packing schemes?

Of course, conservatives should engage in similar introspection. If Republicans expected to win more elections, what would they say about the filibuster, or America’s growing preference for running all important decisions through the Supreme Court? For that matter, how would a party swelling with Hispanic and Asian voters position itself on immigration? And if Republicans can assemble a majority of the vote, won’t they want Democrats to accept the legitimacy of that vote? If so, shouldn’t they set a good example now?

As this suggests, there are upsides even for Democrats in the prospect of a few substantial Republican victories: Nothing is more likely to resign Republicans to the need to respect election integrity. Still, Democrats would probably rather arrive at that point having fought hard, and prepared themselves, rather than having spent their time fiddling with the rules and working the media refs while Republicans scooped up their voters.

■ Megan McArdle is a columnist for The Washington Post.