

# Opinion

## Editorial

### A win for open government

Nearly 50 years after the state's voters overwhelmingly approved an initiative creating the Washington Public Records Act (PRA), we're still relying on interpretations about how it should be enforced and what exemptions are legitimate.

There's hardly any better clarity than that offered last week when the Washington Supreme Court affirmed, in a 7-2 decision, that state legislators are indeed subject to the act — despite their high-handed actions to the contrary.

The state's highest court backed an earlier Superior Court ruling that "the plain and unambiguous language of the Public Records Act applies to the offices of senators and representatives ..."

It wasn't that plain to everyone, it seems. The Legislature has asserted for years that it is exempt from the full force of the Public Records Act, which the voters endorsed in 1972, and clandestinely enacted legislation in 2005 and 2007 to bolster that point of view. News organizations across the state — including the Methow Valley News, through its membership in the Washington Newspaper Publishers Association — challenged that notion in court. After the Superior Court's decision, the Legislature appealed.

It didn't have to come to this. The Legislature's arrogance and obstinacy in defending its absurdist arguments — which basically came down to "we're not like the rest of you" — resulted in wasted time and money to reach the "plain and unambiguous language" interpretation that was evident all along.

The Legislature has been nothing if not consistent in its resistance to obeying the same disclosure laws that uniformly apply to every other elected official in the state, including our local school board and town council members. In 2018, legislation to dramatically expand legislators' exemptions from the Public Records Act was hustled through the Legislature at the last minute, with no review or discussion. After intense media and public criticism, Gov. Jay Inslee vetoed the legislation and the legislators let the veto stand.

Displaying not a whit of shame or regret, the lawmakers were back at it earlier this year, in the 2019 legislative session, with a clumsily reworked version of the earlier proposal that still kept much legislative activity out of public view. Lawmakers put a smiley face on it, but no one was fooled. It, too, drew fierce scrutiny and went nowhere. Legislators blamed the legislation's failure to advance on the public and the news media for ganging up on the proposal.

That left the news organizations' lawsuit as the last best hope for a public-friendly outcome. It's hard to know what outcome the legislators were expecting. In any event, they got lumps of coal in their Christmas stockings.

The Supreme Court's decision creates a legal distinction that may take some sorting out. While the court declared that "We hold that under the plain meaning of the PRA, individual legislators are 'agencies' subject in full to the PRA's general public records disclosure mandate," the Legislature itself is not an "agency" and may be subject to narrower disclosure rules. Within that definition, some legislators may be looking for hidey-holes in which to stash information.

Despite the Supreme Court ruling, the public and news media organizations shouldn't relax and assume good behavior on the Legislature's part. They've been used to dodging the Public Records Act for a long time and it will take some time for them to get used to complying. But it's not too much to ask legislators to step up and meet the same expectations our local officials have been fulfilling for decades. The Public Records Act needs to be functional for at least another 50 years — and beyond. Only constant vigilance will assure that.

## Exercise your freedom

Letters must be fewer than 350 words and may be edited for libel, grammar and taste.

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## Box 97: Letters to the editor

### Dangerous stuff

Dear Editor:

I witnessed, yesterday, the most egregious government folly I have ever seen in my 40-plus years of following national politics. Not one member of the Republican Party voted to impeach Trump! Not only did he ask the president of Ukraine to investigate a political rival, I have seen him suggest that China should investigate the Bidens. I have seen him ask "Russia, if you are listening, check out those 30,000 Clinton emails." He has called the Emolument Clauses in the 230-year-old Constitution of the United States "phony!"

This man has no regard for the laws that rule this country and the rest of the Republican Party just drinks the poison Kool-Aid and keeps goose-stepping along with the Commander in Cheat! Republican President Richard Nixon has been the only president to ever resign. He did so because he knew he would be impeached and removed from office. The majority of both parties at that time realized he had committed obstruction of justice and perjury. Barry Goldwater, the 1964 Republican presidential candidate, made the statement, and I quote, "Nixon needs to get his ass out of the White House now!"

The whole set of rules has changed. It's no longer what's good for the country, it's what good for the political party! This is really dangerous stuff. If this president can give the middle finger to the Constitution, what's next?

Richard Wasson  
Winthrop

### Facts against Trump are clear

Picture a new TV crime series. The prosecutor is trying to question witnesses about a major crime boss. The boss publicly directs all his cronies to defy subpoenas and refuse to testify. Many follow his orders. When any of them do testify, the boss publicly attacks and tries to intimidate them.

The boss even threatens one witness's family, again in public. His own lawyer



goes on TV two days later and suggests the witness's father-in-law may have ties to organized crime. Witness intimidation (or tampering) is a crime in itself. In the real world, the crime boss would at least send out his cronies in secret to threaten the witnesses.

When the TV jury is selected for the boss's trial, it turns out that half of the jurors are in the boss's gang. One of them even goes on TV to announce he's working with the defense attorneys to make sure the boss is acquitted. These jurors don't care what crimes are charged or what the facts and laws are.

Of course, this would never happen in a TV show. No one would believe it. They'd say: "Maybe in Russia or some small country dictatorship. Never here."

Tragically, it's exactly what is unfolding in the impeachment of Donald Trump. But Trump isn't accused of stealing money, like a TV criminal. He is accused of corruption in using taxpayer funds to pressure a foreign country into helping him win reelection.

The Republican party will do anything to protect their boss, even if it means undermining our Constitution and the system of laws designed by the Founders to prevent our country ever being ruled by a king or a dictator. The oath all senators must take states: "I will do impartial justice according to the Constitution and laws: So help me God." Republican senators' public statements show they fully intend to ignore their oath.

Please read the actual charges of impeach-

ment against Trump. They are short, clear, and damning. You can easily find them online. Don't ignore the facts, like Republican leaders want you to do.

Randy Brook  
Twisp

### Across the divide

Dear Editor:

If you were driving from Winthrop to Mazama last Thursday (Dec. 19), you know you were in the first major storm in the valley. I was there, driving at a snail's pace, hoping I was still on the road as the snow swirled across my windshield. Finally I made it to the Mazama turnoff. Knowing I was just a short distance from home I made the turn — prematurely — and ended up in a snow bank. In spite of my trusty Subaru with snow tires, I got stuck.

But luckily the truck behind me stopped and, without hesitating, the driver offered to pull me back onto the road. Duty done, my knight in shining armor, declared himself to be a "deplorable," Trump supporter. Not knowing why he said that (maybe it was one of my "no more war" bumper stickers), he then reached out his hand and told me his name. I didn't hesitate to respond in kind and thank him for "coming to my rescue."

So maybe there is a way to reach across the political divide and realize that we, are after all, "neighbors helping neighbors."

Diane Gordon  
Mazama

## HELLO?

### A lump of coal for Christmas

**"Our Founders ... suspected that there could be a rogue president. I don't think they suspected that we could have a rogue president and a rogue leader in the Senate at the same time."**

— Speaker of the U.S. House of Representatives Nancy Pelosi

It's not every year we get a constitutional crisis for Christmas.

But here we are, with a lump of coal in the nation's Christmas stocking. The Democratic-led House of Representatives has impeached Republican President Donald Trump. The Republican-led Senate gets to say if he'll be fired.

Busy with our Christmas gifts and glitter, we nonetheless should focus on a different gift. It's one of those homemade-from-scratch things, handcrafted by people who'd never done this kind of handiwork. There was no instruction manual, but these were the original can-do Americans, brimming with audacity and irritation. Tired of being ruled by others, they thought people could rule themselves.

Their gift is our covenant for ruling ourselves, the Constitution of the United States. Devised by mere mortals, we nonetheless regard it as sacred text.

The Founders thought hard about human nature and whether the recipients — that would be us — would find theirs a user-friendly gift. They were optimists but not naive. They saw how, in clumsy hands, their gift could fall apart. So they incorporated a self-repair mechanism, impeachment of a wayward president, to mend it.

No amount of Sugarplum Fairy dust can sugarcoat the fact that we're in a crisis that threatens to undermine the heart of our democracy: Will we rule ourselves, or be ruled by a president with unchecked powers?

U.S. Attorney General William P. Barr — though he's We the People's attorney, not Trump's — is nonetheless prominent

among Republicans who lately have been peddling the un-American fiction that presidents have expansive, hitherto unrecognized executive powers that in many instances put them beyond reach of law.

### No defense

Republicans summoned a surfeit of rage but a deficit of evidence to defend Trump against the charges of obstructing Congress and abusing his office for personal gain. They opted to rely on emotion, mimicking the strategy of Brett Kavanaugh, who cried his way onto the U.S. Supreme Court. They derided the impeachment process as a sham and Democrats as liars.

The president is constitutionally obliged not to impede impeachment proceedings. Yet he not only refused to provide documents but also ordered his staff not to testify. That led to the charge of obstructing Congress from carrying out its constitutional duty. Trump also refused to mount a defense during the House hearings but now claims he wasn't allowed to defend himself. Poppycock.

Trump used his office — and nearly \$400 million in taxpayer funds that Congress had appropriated for military aid to Ukraine — to try to force the Ukrainian president to investigate a political rival, Joe Biden, as a condition of giving Ukraine the money. Trump's unmistakably transactional request to the Ukrainian president — "I would like you to do us a favor, though," nailed that article of impeachment.

What's wrong with trying to use taxpayer funds to force a foreign government to help defeat a political rival? This: presidents are not authorized by We the People to use our money for self-serving extortion schemes designed to undermine the integrity of our election process by inviting foreign meddling. But Trump, as usual when called to account, defiantly repeated his shameful behavior, publicly inviting the Chinese to help him with the election.

"President Trump ... has demonstrated that he will remain a threat to national security and the Constitution if allowed to remain in office, and has acted in a manner grossly incompatible with self-governance and the

rule of law," the impeachment articles rightly state.

Many Democrats were arguing that the manifestly unfit Trump should be removed from office. But House Speaker Nancy Pelosi wasn't having it.

Pelosi owes her job as speaker to the Democrats' 2018 success in flipping Republican seats. She's keenly aware that those seats are up for grabs in 2020 by Trump supporters. You could cynically argue that Pelosi's unwillingness to impeach Trump was personal, meant to keep her own job as speaker of a Democratic House majority.

### Real patriotism

Nancy Pelosi is nobody's fool. So why, then, would she abruptly reverse course and launch highly controversial impeachment proceedings, knowing she risks losing her job as speaker if, as a consequence of the impeachment, Democrats lose the majority?

Because with his Ukraine caper, Trump finally went a bridge too far. "He gave us no choice," Pelosi said, steely-eyed about the dangers to our democracy if Trump were not impeached for his unconstitutional behavior.

Mark this well: Unlike Trump's feckless Congressional Republican supporters who won't confront Trump for fear they'll lose their jobs, Pelosi knowingly not only put her own job on the line but her party's control of the House of Representatives.

Why? To defend the Constitution. This, people, is how we define patriotism.

And what of the Senate, whose sworn constitutional duty is to act as impartial jury?

Senate Judiciary chairman Lindsey Graham says he wishes to dispense with witnesses because he "disdains" the process and his mind is made up. "I'm not trying to pretend to be a fair juror, here," both he and Majority Leader Mitch McConnell have said.

McConnell goes even further to subvert our self-rule. He's willingly surrendering the Senate's constitutionally mandated independence to protect Trump. There will be "no difference between the president's position and our position as to how to handle this," McConnell admitted. "Everything I do during this I will be coordinating with White House counsel."

Say again? Hello?

Solveig Torvik lives near Winthrop.