

## Cartoonist's take



## PRESIDENCY

## Is it time to start talking about impeachment?

For weeks, I have dismissed talk about the possible impeachment of President Donald Trump as premature and a waste of time, but I have changed my mind in light of evidence that he might have engaged in the crime of obstruction of justice. This is the crime that led to Richard Nixon's resignation and Trump's conduct is remarkably similar to that which caused the House Judiciary Committee to vote articles of impeachment against Nixon.



Erwin Chemerinsky  
Columnist

The Constitution provides that the president may be impeached for treason, bribery or "high crimes and misdemeanors." Impeachment in the House of Representatives requires a majority vote, while conviction in the Senate requires a two-thirds vote. The phrase "high crimes and misdemeanors" never has been defined with any precision. Criminal activity always has been regarded as sufficient to meet this standard. But it also has been understood to include serious abuses of power, even if not illegal.

Only twice in history have presidents been impeached by the House of Representatives; in neither instance did the Senate vote to remove the president from office. President Andrew Johnson was impeached for firing a Cabinet official in violation of a federal law, the Tenure in Office Act. After the assassination of President Abraham Lincoln, Johnson, a Southerner from Tennessee, succeeded to the presidency and found himself presiding over Reconstruction, which he opposed. Congress passed a law, which today would be regarded as clearly unconstitutional, that deemed it a "high misdemeanor" for the president to remove any Cabinet official. After Johnson fired the Secretary of War, the House quickly voted articles of impeachment.

President Bill Clinton was impeached for lying under oath about whether he had a sexual relationship with a White House intern, Monica Lewinsky. The House Judiciary Committee voted articles of im-

peachment against President Richard Nixon in 1974, but he resigned before the full House could consider them. The primary charge against Nixon was that he had engaged in obstruction of justice with regard to the cover-up of the break-in to the Democratic headquarters at the Watergate building in Washington, D.C. The "smoking gun" that led to Nixon's resignation was the revelation of a taped conversation in which Nixon said he would tell the FBI not to investigate the Watergate burglary because it was a CIA matter. Such interference with a pending investigation is obstruction of justice.

Obstruction of justice occurs when one "obstructs, influences or impedes any official proceeding." There is reason to believe that Trump did just this in trying to stop an FBI investigation into whether Michael Flynn, a Trump campaign aide and briefly a high-level official in the Trump administration, violated federal law in his contacts with Russia. Last week, former FBI Director James Comey revealed that Trump said that he hoped the FBI would "let it go" with regard to the investigation of Flynn. Comey said he felt pressured by the president to end the investigation and that Comey recorded this in a memo he wrote at the time.

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Perhaps more important, Trump has made statements that he fired Comey precisely to end the investigation about possible illegal activity by Flynn and others. If so, that is obstruction of justice. After firing Comey, Trump told Lester Holt of NBC "this Russia thing" was on his mind when he fired Comey.

Last Friday, The New York Times reported that Trump told two Russian officials that Comey was fired to end "pressure" with regard to the investigation concerning Russian influence in the election. Trump invited Russian Foreign Minister Sergey Lavrov and Russian Ambassador to the U.S. Sergey Kislyak — both of whom are being investigated by the FBI — to a special Oval Office meeting May 10, just a day after firing Comey. It was earlier reported that Trump leaked classified information to the two Russians in that meeting. According to the Times report, the president also advised Lavrov and Kislyak, "I just fired the head of the FBI. He was crazy, a real nut job." The Times account also noted that the president observed, "I faced great pressure because of Russia. That's taken off."

Robert Mueller, who was appointed last week as a special prosecutor, must investigate whether Trump engaged in the crime of obstruction of justice, as well as whether crimes were committed by officials of the Trump campaign and the Trump administration. If so, it remains unresolved whether a sitting president can be criminally indicted or whether impeachment is the sole remedy.

At this stage, impeachment seems unlikely. Republicans control both the House and the Senate and do not seem disposed to impeach and remove a president of their party. Impeachment is truly extraordinary in American history. But everything about the Trump presidency has been unlikely and even staunch Republicans have expressed great concern about the latest revelations. No longer does talk about consideration of impeachment seem premature.

Erwin Chemerinsky is dean of the UC Irvine School of Law.

## EMPLOYMENT

## The uphill climb in filling jobs for skilled workers

By Genine Wilson

California faces a dramatic shortage of skilled workers who bring job-specific training, expertise or abilities to their work.

By 2030, our state is expected to have 1.1 million fewer skilled workers with four-year degrees than the economy requires, according to a report from the Public Policy Institute of California. Other research indicates that 92 percent of business executives believe there is a serious gap in workforce skills.

In technical sectors such as engineering, the number of advertised jobs is a fast-increasing percentage of the available industry positions. Known as the vacancy rate, the higher it is, the more competitive the job market is in that sector.

In 2016, there were more than 145,000 engineering jobs in Southern California. More than 16,000 ads were placed for engineering positions, resulting in a vacancy rate of about 11.2 percent. In comparison, Southern California's overall vacancy rate for all occupations was 7.0 percent in 2016.

In the engineering sector alone, there is a serious shortage of qualified workers to fill the available, advertised positions.

Several factors have been attributed as causes for this shortage of skilled workers, including the increasing costs of a four-year university and growing unwillingness by students to sink into debt, and a decline in the number of college students who pursue a STEM (Science, Technology, Engineering and Mathematics) related degree.

In Southern California, the high cost of living and lack of affordable housing that have driven skilled workers out of the region are cited as contributors, too.

Regardless of the causes, local employers must now navigate this "new normal" to find, attract and retain skilled workers. But what do they do when there simply are not enough skilled workers in the market?

In this pervasive "war for talent," more and more employers have turned to gig or free-agent workers who — statistically — are now more likely to hold an advanced degree than traditional employees. According to research by Kelly Services, 26 percent of gig workers have a master's

degree versus 19 percent in traditional employment, and 22 percent have a bachelor's degree versus 17 percent of traditional workers.

Gig workers are not just temporary workers. They are small business owners, independent contractors and freelancers, moonlighters, diversified workers and are present across all generations — from the Silent Generation to Gen Y. Hiring gig workers has enabled employers to develop multidimensional workforce programs that address the full spectrum of the skills gap.

Along with gig workers, employers are now casting a wider net by searching in related industries with an eye toward training mostly qualified candidates. For example, an engineering firm in the aerospace sector may recruit from the automotive industry to uncover talent with many but not all of the necessary skills for the job.

Related to this, some employers have adjusted their position requirements to accommodate a new tier of "middle skilled" labor. In these cases, employers have focused on training new hires or current team members to give them the required experience in new technologies to move them toward being skilled workers in their respective industry.

Workplace culture plays a critical role in attracting today's worker. Moving beyond pay rates, employers are addressing the psychological rewards of appreciation and instilling a sense that their team members make a real impact versus feeling like just a cog in the machine.

The millions of jobs that are and will continue to be available, and the competition for talent to fill them, will only continue to intensify. Employers who need mid- or highly skilled workers must be deeply invested in understanding the talent marketplace, and must proactively develop and commit to a plan to succeed in talent attraction, acquisition and retention. It's never been more important to integrate expert talent supply chain management into your process to find and compete for the best employees.

Genine Wilson is the Southern California territory vice president for Kelly Services, a global leader in providing workforce solutions.

## Cartoonist's take

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## MEDICINE

## Fault for high-priced drugs lies with drugmakers

By John D. Jones

When it comes to how high they price their products, drug companies want the public to ignore what they spend on marketing and the tax breaks they get for direct-to-consumer advertising.

Instead of simply acknowledging their pricing strategies, drug companies and their lobbyists have launched a finger-pointing campaign at pharmacy benefit managers.

This isn't surprising and certainly not unpredictable, but ignores the basic fact: Drug companies set the price of the drug. They can charge whatever they feel the market will bear. To combat these massive price

hikes, PBMs are hired by employers, unions and health plans to negotiate lower drug costs for their enrollees. They do this by negotiating with drug manufacturers and pharmacies, developing networks of pharmacies, promoting generic drugs, creating drug formularies, use of lower-cost mail service and managing high-cost specialty medications.

One clear example of PBM success is the Medicare Part D prescription drug benefit, which is overwhelmingly popular with a 90 percent satisfaction rate among enrollees.

In this instance, the drug company lobby isn't finger-pointing, but is curiously praising the private sector model PBMs use to make Part D so

successful by stating in their trade organization website, "Medicare Part D plans also negotiate significant discounts and rebates with drug manufacturers to achieve savings on medicines and use them to help reduce premiums, deductibles and cost-sharing for beneficiaries." Their positive recognition of this practice by the Medicare Part D plans ignores the fact that those same plans hire PBMs to achieve those successes.

With skyrocketing drug prices, some employers, and insurers providing health care coverage, are being forced to involve consumers through benefit designs that include higher deductible or increased cost sharing health plans. In response, the drug manufacturers have

seized on this, by crying "foul" because it focuses attention on their high prices. They blame the insurers for their benefit designs, instead of taking responsibility for exorbitant pricing of their drugs.

The truth is that the payers of health care coverage are doing their best to provide their entire covered population with affordable, high-quality health care.

Manufacturers have a number of options in altering public perception to their pricing strategies. They can assert that their products are a great value at any price but there is definitely a level where that argument fails. They can also compete on price and refrain from automatic pricing increases that

now obviously impact health care affordability.

One thing is for sure, if drug manufacturers continue to set high prices, PBMs will be pressed by their customers to negotiate for even steeper discounts and rebates in an effort to shield America's consumers from the increasingly unaffordable costs.

John D. Jones, RPh, JD, FAMCP is a pharmacist and attorney. He currently teaches Pharmacy Law and Ethics at several colleges of pharmacy in California. Until recently, he served as the senior vice president of Professional Practice and Pharmacy Policy at OptumRx, a UnitedHealth Group Company, in Irvine.