

## GUEST EDITORIAL FROM THE ALBANY DEMOCRAT- HERALD

### Fixing a flaw in Oregon's jury system

Louisiana voters last week decided to do away with that state's oddball rule that allowed nonunanimous juries to decide criminal felony cases. That leaves just one state in which a jury can convict a defendant of a felony on a 10-2 vote. Can you guess what that state is?

That's right. But there's an excellent chance that Oregon voters will get a chance in 2020 to erase this stain on the state's constitution — and legislators are kicking around a fix in the 2019 session that could cover the gap until that election.

Until last Tuesday night, Oregon and Louisiana were the only two states to allow a nonunanimous jury to decide a felony case, although Oregon does require unanimous juries in murder or aggravated murder cases. In last Tuesday's election, though, 65 percent of Louisiana voters approved a constitutional amendment to do away with nonunanimous convictions; the amendment goes into effect on Jan. 1. The measure drew support from political players of every stripe, from the state's Republican Party to the Southern Poverty Law Center.

In Louisiana, the nonunanimous jury rule dates back to 1898; scholars have argued the measure was intended to limit the influence of African-American jurors.

Oregon's nonunanimous jury practice also was born out of prejudice — but in this case, it was anti-immigrant fervor that paved the way.

The state amended its constitution in 1934 to allow juries to decide most felony cases on 10-2 votes. Legal scholars (most notably, Aliza Kaplan of Lewis & Clark Law School, who wrote an influential piece on this topic) point to a sensational Columbia County murder case that paved the way for the ill-considered amendment.

That 1933 case involved a Jewish suspect, Jake Silverman, on trial for murder. One juror held out against conviction, and the jury eventually reached a compromise guilty verdict on a lesser charge of manslaughter. A judge sentenced Silverman to three years in prison.

The backlash was considerable. The Morning Oregonian, for example, railed against the verdict on its editorial pages, in language that was — well, not even borderline racist, but you can be the judge. Consider this excerpt from a November 1933 editorial: "This newspaper's opinion is that the increased urbanization of American life ... and the vast immigration into America from southern and eastern Europe, of people untrained in the jury system, have combined to make the jury of twelve increasingly unwieldy and unsatisfactory." The newspaper previously had editorialized against so-called "mixed-blood" jurors. (To be fair, The Oregonian recently recanted its 1933 editorial position on this matter.)

The Legislature, responding to the outcry, voted to place a constitutional amendment on the May 1934 ballot to allow nonunanimous juries. The measure drew no organized opposition and was approved by 58 percent of voters.

Since then, a number of attempts have been made to amend the constitution on this point — including a recent effort by the Oregon District Attorneys Association — but none has managed to gain much traction. The effort by the District Attorneys Association seemed to lose steam after a premature rollout of a website leaked critical details, but many Oregon prosecutors support eliminating nonunanimous verdicts.

Since the effort requires amending the constitution, it would require a vote. Last week, Democratic House Majority Leader Jennifer Williamson said she'll sponsor two bills on the matter in the 2019 Legislature: One would refer the question to voters in the 2020 general election. The other, she said, would be a statutory fix that would seek to ensure we don't have to wait until after the 2020 election to do away with nonunanimous juries.

Oregonians love to brag about the state's independence, how we love to stand apart. But here's a case where we need to fall into step with the rest of the nation, and the sooner we do that, the better.



## Your views

### Hargrove: Girls in Science event benefits from Soroptimist generosity

To the Editor:  
Northeast Oregon Area Health Education Center and the Eastern Oregon University College of Science, Technology, Mathematics and Health Sciences hosted the 18th Girls in Science event at EOU on Oct. 27, welcoming more than 100 regional middle school girls on campus for a day of hands-on science exploration. The program's ongoing success is a testament to the generous support of Soroptimist International of La Grande. SILG has been an invaluable sponsor of the event for many years, helping hundreds of attendees cultivate a love for science and the confidence to accomplish their personal educational goals.

As if SILG's commitment to our community through grants, scholarships and other initiatives was not enough, the organization also delights in hosting an annual Family Fun Day at the Blue Mountain Conference Center to coincide with

the Festival of Trees. We highly encourage community members to attend the free event on Dec. 1 for an exciting array of children's crafts and activities. Members of EOU's Chemistry Club will also be on hand to represent Girls in Science with an activity booth. We hope to see you there.

*Brittany Hargrove,  
Administrative and  
Outreach Coordinator  
Northeast Oregon Area  
Health Education Center,  
EOU*

### Perkins: Happy customers are delighted with local car dealership

To the Editor:  
My husband and I recently purchased a new-to-us Ford F150 pickup from Legacy Ford (owned by Greg Colozzi), in Island City. It was not a frivolous purchase.

We own two very used cars, and I travel every day to from Baker County to the Eastern Oregon University Small Business Development Center, where I work. Given the mileage of my car and the upcoming treacherous winter driving right around the corner, my

husband insisted we buy a newer, larger, safer, four-wheel drive.

We stopped by the dealership determined we were only going to look. I held up my hand when the friendly salesperson, Michael Howard, approached us and stated, "We are not buying today and I do not want to waste your time." He immediately explained he was there to answer any questions, but would certainly leave us alone if that's what we wanted.

When we asked about a particular make and model of vehicle, he said, "If you are planning to do highway driving and especially in the winter, I highly discourage this particular vehicle. I would encourage you to consider the F150."

Long story short, we decided to purchase the F150 that day. There were no painful negotiations involved. They came back and said the price would be several thousand dollars less than was originally quoted.

Not only that, the payment, in the end, was \$34 less per month, which definitely adds up over the year and the term of the loan. In short, every piece of the process was not only painless but enjoyable. We were especially impressed

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with his upfront honesty.

I cannot recommend Legacy Ford highly enough. Living in Eastern Oregon, we all frequently travel long distances and for six months out of the year on dangerous roads. If you are wanting or needing to make a vehicle purchase, I recommend you start there.

By the way, I was so happy with Michael that I kissed him on the cheek — right in front of my husband.

*Gina Perkins  
Baker City*

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