

OUR VIEW

An idea for public records

State Sen. Mark Hass, D-Beaverton, a candidate for Secretary of State, said recently that he will make improving access to public records his first policy priority if he's elected in 2020. That may not be surprising — Hass is, after all, a former television news broadcaster — but surprising or not, his is a good idea.

Hass' first target would be the relatively new Public Records Advisory Council, which, he says, is overburdened with representatives from government. He's got a point. Of the 12 members on the council, fully eight either work for government or are members of the Oregon Legislature.

Hass would cut the number of government representatives in half, increase the current three slots for journalists by one, add two members from nonprofits that use public records and add a second member of the public.

The change would mean that journalists and the public agencies from which they seek records would be represented equally on the board, surely a more balanced mix than the current one that gives public agency members an absolute majority on the council. It also would mean that either of those groups would have to persuade three of the four remaining members when journalists and government representatives were evenly split on an issue. That, too, is a good idea. It would force both press and government representatives to think more about the people of Oregon and what serves them best.

Hass also agrees with Ginger McCall, the state's first Public Records Advocate who left Oct. 11, that the advocate should be appointed by the council rather than by an elected official. That, too, is a good idea. It was McCall's disagreement with Gov. Kate Brown's staff over the advocate's independence that led her to resign. Without independence, the advocate runs the risk of being seen as a partisan member of the governor's camp, no matter who is governor at the time.

The Public Records Advisory Council and its leader, the Public Records Advocate, have important work to do in Oregon. Hass' changes would lend credibility to that work.

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MY VOICE

Hammonds were guilty of arson

Your recent editorial about the Hammonds starts with the inaccurate notion that it's the Hammonds versus the environmentalists, and then you disregard the facts of the case. Instead of helping to calm passions, you throw fuel on the fire. And you aim your guns at the wrong culprits.

The Hammonds were convicted of arson, not field burning. They intentionally and illegally started fires on public land during a dangerous time of year. You ask, "Why they were charged with an anti-terrorist statute with a mandatory minimum sentence of five years"? Simple answer: What they did fits that law exactly. It's a law against arson on federal property. It was touted as anti-terrorist, but it's primarily a law against arson.

The fires they intentionally started endangered the lives of nearby firefighters who were already fighting wildfires in the vicinity, and they endangered one of their own family, a youngster they enlisted to help start the fires, when the fires he started got out of control.

This had nothing to do with environmentalists. The trial took two weeks, if I'm not mistaken. The trial took place not in liberal Portland, not in environmentalist friendly Eugene; the trial took place in Pendleton, with jurors who are sensitive to farmers and forest issues. Twelve jurors believed the Hammonds' defenses were not credible and that they were guilty of arson. Not terrorism. Arson.

When your editorial blames environmentalists, you insult the efforts and intelligence of the 12 Eastern Oregonians who sat on that jury. And your snide comment that the second judge "dutifully sentenced them to the full five years" shows complete ignorance and disrespect for our judicial system. The sentence passed by the first judge

About the author



Martin J. Birnbaum, 83, served as the Union County District Attorney. He is now retired and lives in La Grande.

My Voice columns should be 500 words. Submissions should include a portrait-type photograph of the author. Authors also should include their full name, age, occupation and relevant organizational memberships. We edit submissions for brevity, grammar, taste and legal reasons. We reject those published elsewhere. Send columns to La Grande Observer, 1406 5th St., La Grande 97850, fax them to 541-963-7804 or email them to news@lagrandeobserver.com.

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was illegal.

The law performed as intended: to punish arson, not to curb terrorism. Moreover, the mandatory minimum sentence laws that require a five-year sentence for arson were in place because those in my own Republican Party believe that the courts were too lenient with criminals, that judges were too "soft on crime," so they took away the authority from judges to take circumstances into consideration. Guilty of arson? Bingo. Five years in the pen. No ifs, ands or buts. Judge wants to be more lenient? No can do. That's a violation of the law. It wasn't the environmentalists who appealed the first sentence. It was the prosecutors. I'm willing to bet the Hammonds were among those who supported mandatory minimum sentences until it turned around and bit them.

Then you claim it's the fault of several "environmentalist" groups that a judge limited grazing on the allotments. Did you ever consider that "the cows, which have grazed there for years and years, are (in fact actually) damaging the environment"? Is the judge also a rabid environmentalist? Or was there sufficient evidence in front of him, just as there was proof beyond a reasonable doubt that the Hammonds were guilty of arson?

You say "the Hammonds were unnecessarily dragged into prison"? You say "we can all be assured that what's legal and what's just are two very different things"?

What would you propose, a medal to the Hammonds for endangering the lives of the firefighters who were trying to do their job? And by the way, is it just, is it fair to all the other ranchers and farmers who abide by the rules to let the Hammonds be scofflaws without any accountability, any consequences for illegal behavior?

You want to help build some bridges? Find a way better way. Stop throwing fuel on the fire.

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