

Senate creates crime of intimidation for display of a noose

By **PETER WONG**
Oregon Capital Bureau

SALEM — Display of a noose — a symbol of lynching Black people — would be considered a crime of intimidation under a bill that has cleared the Oregon Senate.

Senate Bill 398, which passed 27-1 and went to the House, would make it a Class A misdemeanor for such a display if intended to intimidate another person or threaten someone with bodily harm. Maximum punishments

are under one year in jail and a \$6,250 fine.

“That clinical description does not even come close to describing the hateful motivation that goes behind the placing of a noose, the fear of physical safety and the mental distress on the part of the people to whom it is directed,” Sen. Ginny Burdick, a Democrat from Portland and one of the bill’s chief sponsors, said.

Sen. Elizabeth Steiner Hayward, D-Beaverton,

likened it to how Jews react to displays of Nazi swastikas. Nazi Germany was responsible for the mass deaths of 6 million Jews, plus others, during the Holocaust in World War II.

Sen. Lew Frederick, a Democrat from Portland and one of three Black senators, noted last year’s observance in Coos Bay of the 1902 hanging of Alonzo Tucker, the only documented instance of lynching in Oregon.

He said he is personally

acquainted with the noose as a symbol of hate.

“Nooses were a constant image during my time demonstrating in civil rights marches during the 1960s and 1970s,” he recalled, especially when Daniel O’Keefe High School in Atlanta was desegregated (it closed in 1973). But he said its white principal did not tolerate such symbols, which Frederick sometimes found on his locker.

“He knew then that the noose was not acceptable

in a school environment smack dab in the middle of the South when Jim Crow was slowly being dismantled,” Frederick said. “It is certainly not acceptable now, when the vestiges of Jim Crow returned to the forefront because of a wink and nod during the past four years.”

Sen. James Manning Jr., a Democrat from Eugene and another Black senator, said Oregon would join the few states that have made it a crime to display a noose.

“Oregon is not the first to act this way,” Manning, the bill’s other chief sponsor, said. “But we are on the right path.”

Sen. Dennis Linticum, R-Klamath Falls, was the only vote against it. Independent Sen. Brian Boquist of Dallas and Republican Sen. Dallas Heard of Roseburg were officially excused. Heard showed up at the end of the April 1 session, but he declined to cast votes on SB 398 or other bills he missed.

NO-TILL

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about 2,200 acres of wheat, hay and cover crops near Joseph. “Now everybody’s doing it.”

While farmers appreciate the environmentally friendly aspect of no-till farming, their farms also are businesses that wouldn’t be able to continue unless they are profitable. The Melvilles recognize that no-till has numerous economic advantages.

“The economic side of this no-till is that it used to take us 27 minutes to plow and cultivate and fertilize and plant an acre of ground. In a day, we would plant 80 acres and you can figure what that would be,” Tim Melville said. “With no-till, we can do one pass with the sprayer to control the weeds and one pass with the drill and we’ll only spend 7 minutes in a field.”

The drill is the direct-seeding implement that does the actual planting.

“There’s also saving in fuel, because now you’re only burning 7 minutes’ worth of fuel instead of 27 minutes, and you’re only wearing out 7 minutes of iron (equipment) instead of 27 minutes of iron. So,



Bill Bradshaw/Wallowa County Chieftain
Tim Melville, patriarch of the family-owned Cornerstone Farms near Enterprise, cuts a steel rod Wednesday, March 31, 2021, in the farm shop as the family prepares for planting.

there’s a huge economic advantage to no-till.”

The Melville sons have been brought up on the practice and took agriculture-related courses at the University of Idaho in Moscow.

“He started no-till before I even went to college,” Kevin said of his dad’s practices.

He noted that when he first went to the UI, professors there had little regard for no-till, thinking it wouldn’t allow

crops to survive weeds.

“Now they’re pushing no-till, whether it’s the UI, Oregon State or Washington State,” he said. “Even though no-till had come out in mid-late ‘70s, there was a little push in the universities in the ‘80s to promote no-till, but by the early 1990s, they did not like direct seeding.”

Then, Kevin Melville said, there seemed to be a shift in thinking among agricultural educators.

“I think it took a gener-

ational shift. By the late-1990s and 2000s, they were pushing it again,” he said. “In the past 10 years, they’ve really started pushing it, and cover crops and soil health is a new thing. That’s when they realized no-till was an integral part of that soil health.”

Tim Melville even takes it to the point of the global warming issue.

“This is one thing I’d like our land-grant universities like Oregon State and the University of Idaho (to

do): I want to know why they’re not speaking up in defense of global warming,” he said. “What I mean is, the warmer it is, the more crops you can grow, and the more carbon that’s in the air, the higher-yielding the plants are because they breathe that carbon. I want to know why nobody is speaking up on that.”

He said there have been studies where plants were fed extra carbon in greenhouses and productivity increased.

“Between you and me, this ‘global warming’ might be God’s way of saying the population of this Earth is getting so great we’ve got to feed these people and we’ve got to figure how to make ag production increase. Heat units and carbon are going to help that,” he said.

“I’m just a farm boy out here, but I’ve been taught that heat units make things grow and carbon breathes it. ... It increases production by increasing the amount of carbon that a plant breathes.”

Until now, producers have been preparing and testing their equipment for the planting season that is expected to take six to eight weeks.

“I think we’ll get started if weather holds in week or so,” Kurt Melville said.

FUNDING

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economic impact makes these current payments more important than ever.”

The senator added he is working on securing another reauthorization of Secure Rural Schools. Wyden, Sen. Jeff Merkley, D-Oregon, and Idaho Sens. Mike Crapo and Jim Risch, both Republicans, are making a bipartisan push to reauthorize the SRS program through September 2022, according to Wyden’s website.

“I’m gratified that this funding is headed to our state to help build on the past success of SRS, and I will continue to fight for a long-term reauthorization of this program to ensure that our families can rely on it throughout our recovery from this pandemic and in the years to come,” Merkley said in the release.

Beverage said she hopes Congress reauthorizes another extension of SRS funding. She said this would make it easier for counties to plan their budgets because they would have a better idea of how much funding they can expect if they know the SRS funding is coming through.

“Every year it is up in the air,” the commissioner said.

Beverage said each fall members of the Union County Board of Commissioners go to Washington, D.C., to lobby Congress to support Secure Rural Schools.

Commissioner Paul Anderes noted Wyden is pushing for the establishment of a permanent endowment fund that would support SRS payments without the need for reauthorizations.

In the 116th Congress, which ran from Jan. 3, 2019, to Jan. 3, 2021, Wyden introduced legislation that would have created the fund. The legislation, however, was not voted upon. Wyden has expressed interest in reintroducing the legislation in the future.

Since Wyden co-wrote the original SRS program in 2000 with then-Sen. Larry Craig, R-Idaho, in 2000, SRS has brought about \$3.4 billion to Oregon counties.

DISTRICTS

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requests a reconsideration from the court — a request that the court rarely takes up.

The court, in the opinion written by Chief Justice Martha Walters, said the deadlines specified in the Oregon Constitution are less important than the process laid out in amendments that voters approved in 1952 and updated in 1986.

Walters wrote:

“We have been presented with no reason why the voters who adopted the 1952 amendments would have been concerned with the exact date by which the Legislative Assembly or secretary (of state) are required to enact or make a plan, except as part of a larger framework calculated to result in the adoption of a timely final plan.

“Nor is there any indication that the voters would have intended to require the Legislative Assembly to adhere to the July 1 deadline for legislative action in the unforeseen event that federal census data — the impetus for drawing new district lines in the first place — was not available by that date.

“Instead, the voters’ paramount interests seem to have been to direct the Legislative Assembly to enact a reapportionment plan based on census data in advance of the next general election cycle and to provide an alternative means by which a plan would still be made if the Legislative Assembly fails to act.”

Democrats react

“The Supreme Court has done its job,” Courtney, a Democrat from Salem, and Kotek, a Democrat from Portland, said in a joint statement after the court announced its decision. “Now it’s time for the Legislature to do its constitutional duty: to redraw the district boundaries for the



The Oregon Supreme Court on Friday, April 9, 2021, ruled state lawmakers, not Secretary of State Shemia Fagan, will be first to try to redraw legislative district boundaries despite a pandemic-caused delay in federal census data.

state of Oregon in a way that’s fair and accurate. We have full faith in the legislative redistricting committees to lead this work.”

The court said lawmakers can adopt a plan in a special session, rather than the 2021 regular session, which is scheduled to end June 28. If lawmakers do not meet the new deadline of Sept. 27, the court said that Fagan will have until Oct. 18 to come up with her own plan.

The court also set timelines for legal challenges to either plan. It said a plan must be final by Feb. 1 or Feb. 8, depending on whether lawmakers or the secretary of state draws up a plan. The timelines do not change the filing deadline for the 2022 primary or the actual date of the election.

Fagan in a statement afterward said, “Our agency’s core objectives were to prevent moving the 2022 election dates and to preserve robust public input by starting the process with available population data. We appreciate that the Oregon Supreme Court thoughtfully adopted both of our objectives. Representation matters and that is what redistricting is all about. That is why we will continue to engage Oregonians in the Legislature’s public hearings from all corners of the state. ... Every Oregonian has a

stake in this process, which is why we must continue to work together to ensure all Oregonians have the fair, equitable representation they deserve.”

Republicans comment

Senate Republican Leader Fred Girod of Lyons said he was satisfied the court left the initial stage of redistricting to the Legislature.

“Oregonians expect their district to be fairly drawn,” he said in a statement.

“The most important principles for Republicans are

‘One-Person-One-Vote’ and upholding the Voting Rights Act. Gerrymandering is unacceptable and by keeping this process in the Legislature, we have a chance to come to a bipartisan agreement to draw fair lines.”

House Republican Leader Christine Drazan of Canby restated her support for an independent commission to redraw both legislative and congressional district lines. A proposed initiative failed to qualify for the 2020 general election ballot, although its advocates went to federal court in an attempt to reduce the signature requirements because of the coronavirus pandemic. A measure to create such a commission is pending, but even if lawmakers referred it to voters, it would not come to a statewide election until 2022.

“Oregon needs to commit to a nonpartisan and transparent redistricting process,” Drazan said. “Shockingly, we are the only state on the West Coast that does not currently have an independent redistricting commission. In fact, we’re behind 26 other states in the country

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