

Our View

State should change DUII law

A drunken driving conviction for John Hedgpeth seemed a cinch. An Oregon state trooper pulled Hedgpeth over in 2014 for riding his motorcycle without a helmet. The trooper took him into custody for driving under the influence of intoxicants and brought him to the North Bend Police Department for an intoxilyzer test. It was one hour and 45 minutes after Hedgpeth had been stopped before the test began. The test showed his blood alcohol content was .09%. The legal limit in Oregon is .08%.

Charged. Convicted. Case closed? Nope. Hedgpeth appealed and the case ended up before the Oregon Supreme Court. The defendant claimed the state's evidence did not show he was intoxicated at the time he was riding the motorcycle. The court ruled in his favor.

In many cases, more police work would have prevented that outcome. The prosecution could have presented evidence of a roadside sobriety test. There could have been testimony from experts showing that a .09% blood alcohol content about two hours after he was stopped indicated he was impaired at the time of the stop. That evidence, though, was not presented at his trial.

Most states allow a two-hour window if .08% is established. Not Oregon. Some states allow a three-hour window. So this legislative session Senate Bill 201 would change Oregon law. It creates a two-hour window. And the bill seems on track to pass. The bill also would make a second change in the law regarding DUII. It relates to the Guzman case.

In Oregon, a person cannot be held accountable for DUIIs in other states unless the laws are essentially identical — the Oregon law's "statutory counterpart."

Ricky Guzman was indicted for felony DUII and other crimes. The indictment for the felony DUII alleged Guzman had two prior convictions for DUII from other jurisdictions, including one from Kansas.

Guzman challenged the Kansas conviction was not a statutory counterpart and so his Oregon charge could not be a felony.

The Kansas statute is broader than Oregon's statute in that it applied to operating any vehicle and allowed conviction based on a blood alcohol content of .08% within three hours of operating a vehicle. The court found for Guzman.

The impact could be that Oregon would be the only state in the country that did not allow out-of-state DUII charges to count toward a felony. SB 201 puts a stop to that.

In 2019 in Oregon, 34% of the driving-related fatalities were related to alcohol-impaired driving. That's more than 160 deaths. Oregon needs to change the law. Pass SB 201.



Thinking Out Loud

What we memorialize speaks volumes

ANNE MORRISON
LA GRANDE

Like Eastern Oregon University's library formerly known as Pierce, my high school is, at the moment, nameless.

From the beginning, its name was problematic. Henry Sibley was an early settler and the first governor of Minnesota. But after the 1862 Dakota War, Sibley presided over the trials of hundreds of Dakota men, many lasting just minutes and in a language that few Dakota understood. Three hundred three men were sentenced to death. That done, Sibley immediately turned to driving the remaining Dakota westward out of Minnesota. For those who knew Sibley's history, the school's naming could only be seen as insult on top of century-old injury.

Perhaps it was the too-close murder of George Floyd that finally turned the tide.

In recent years, many people have challenged the significance of the individuals and events we have memorialized, and many monuments and institutions have been removed, demolished, or renamed. Some suggest that this seeks to "change history." Of course it doesn't. Removing statues cannot change the fact that Columbus is the first documented European to encounter North America after the Vikings, or that he immediately claimed that land as belonging to the Spanish king and queen. Changing the names of institutions does not change the role Wash-

ington played as a revolutionary general or our nation's first president. A change in names or removal of monuments does not change the facts of history.

Others argue that changing names or removing memorials "rewrites" the past—but we have always been selective, choosing to recognize some parts of history while ignoring others. One example: Wallowa County's courthouse square contains a plaque that lists numerous "Wallowa County Pioneers," including B.E. Evans — but Evans was the leader of the 1887 massacre of 34 Chinese miners along the Snake River in Wallowa County. The county continues to celebrate Evans while making no mention of the mass murders he committed.

Does the county presently portray that history fully or accurately?

Memorials can serve other purposes. In recent years, there has been a movement across the South to memorialize the massacres and lynchings of African Americans, which constitute a significant part of Southern history. Sometimes, you know about the markers ahead of time; you brace yourself for them, such as those that tell of the murder of Emmet Till. Others appear unexpectedly: driving down a rural road or walking past a courthouse, you notice a marker placed at the site of yet another lynching. These new memorials are reminders of the human capacity for hatred and brutality. They stand as admonitions. And as warnings.

Monuments can symbolize the values our society considers important, commemorating the principles that we want to pass forward.

That raises another issue: People and events can mean different things to different people. To some, Charles Lindbergh was intrepid and courageous, the first pilot to make a solo flight across the Atlantic. Others remember him for his open support of fascism and campaign to keep the United States out of World War II. Similarly, there are over 1,500 monuments to the Confederacy across the South. For many, such memorials represent a glorious lost cause. But I often wonder how it would feel to be Black and to encounter omnipresent monuments to a cause that existed to keep my ancestors enslaved. It would be chilling to know that enough whites considered such beliefs acceptable that monuments have been erected and maintained in their honor. I'm certain I could never feel fully at home in a world where the Confederacy was celebrated.

Phrasing the same idea differently: Can our country be truly inclusive when some people erect monuments that celebrate the subjugation or enslavement of other people who live here? At a minimum, it seems that understanding and respect for other people's experiences and feelings is a matter of simple common courtesy and basic decency.

Today's challenges to monuments and institutional and place names spotlight the fact that our history — and our memorialization of it — is far more complex than many of us have been taught.

Anne Morrison is a La Grande resident and retired attorney who has lived in Union County since 2000. Thinking Out Loud is her monthly column for The Observer.

CONTACT YOUR REPRESENTATIVES

UNITED STATES OFFICIALS
PRESIDENT JOSEPH BIDEN
The White House
1600 Pennsylvania Ave. N.W.,
Washington, D.C. 20500
Comments: 202-456-1111
www.whitehouse.gov/contact

Washington, D.C., 20515;
202-225-6730
Medford office: 541-776-4646

SEN. RON WYDEN
221 Dirksen Senate Office
Building, Washington, D.C., 20510;
202-224-5244
La Grande office: 541-962-7691

STATE OFFICIALS
GOV. KATE BROWN
900 Court Street N.E., Suite 254
Salem, OR 97301-4047
503-378-4582

SEN. JEFF MERKLEY
313 Hart Senate Office Building,
Washington, D.C., 20510;
202-224-3753;
Pendleton office: 541-278-1129

SEN. BILL HANSELL, DIST. 29
900 Court St. N.E., S-423
Salem, OR 97301
503-986-1729
Sen.BillHansell@oregon
legislature.gov

REP. CLIFF BENTZ
1239 Longworth House Office
Building

**REP. BOBBY LEVY,
DISTRICT 58**
900 Court St. N.E., H-376, Salem,
OR 97301; 503-986-1458
Rep.BobbyLevy@oregon
legislature.gov

Letter to the Editor

Halibut dinner drive-thru a delicious success for North Powder schools

Every year we make it a point to eat a delicious halibut dinner put on by the North Powder School District. Unfortunately with COVID-19 they were unable to put it on last year. However, this year they got creative and did a drive-thru with amazing and delicious success. Hats off to every single person who made it happen — we can't thank them enough.

*Ivan and Judi Richter
Elgin*

WRITE TO US

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Phone:
541-963-3161

Toll free (Oregon):
1-800-781-3214

Email:
news@lagrandeobserver.com

POSTMASTER
Send address changes to:
The Observer,
911 Jefferson Ave.,
La Grande, OR 97850

STAFF

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