

# PRISONERS

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In a private meeting this week, about a dozen district attorneys questioned two of the governor's lawyers about what they view as a hasty approach to cutting short prison sentences. Brown's aides have said the governor wants to emphasize crime prevention and rehabilitation over long and expensive prison sentences. Commutations are one of the executive powers that rest exclusively with the governor, and she has delivered far more than her predecessor, John Kitzhaber.

The purpose of meetings like the one with Pen is to explain that Brown is "interested in granting clemency only if they could agree to additional conditions on their commutation and release, in most cases related to receiving additional drug and alcohol treatment," said Charles Boyle, one of Brown's spokespeople.

All commutations issued by Brown are conditional, he said in an email to The Oregonian. He noted that before the COVID-19 pandemic, Brown occasionally held face-to-face meetings with commutation candidates in her office. She may opt to speak directly with a prisoner for a number of reasons, "including to ask questions that will help inform her decision, to emphasize the gravity of this action, or to allow the applicant the opportunity to agree to conditions of release," Boyle said.

It is not unheard of for governors to speak or even meet with a person behind bars. In one of his final acts as governor, Kitzhaber drove to Salem to meet with a 25-year-old man who was serving 12-1/2 years for attempted murder and granted him clemency.

But a look at Brown's packed daily calendar perhaps reflects the depth of her commitment.

The most recent spate of meetings with incarcerated people came during a period when she also met with a bank executive, a top lobbyist in Washington, D.C., and her own executive team. Brown, head of a sprawling government bureaucracy, rarely meets with ordinary Oregonians one-on-one, making these conversations with prisoners all the more remarkable.

On the day she had a conference call with Pen, for instance, Brown's calendar shows she met with House Republican Leader Christine Drazen, who was allocated the same 30-minute slot the governor's staff set aside for the clemency meeting. The following day, her calendar shows another clemency meeting. It is unclear from her calendar whether she spoke with a prisoner at that time. That day, she also met with Washington Gov. Jay Inslee to discuss their states' vaccine mandates.

## 'She spends a lot of time on each case'

Kaplan, a Lewis & Clark Law School professor whose law clinic has represented many people seeking commutations, said Brown is friendly but firm in the sessions.

The governor, herself a graduate of Lewis & Clark Law School, stresses the stakes for the prisoner but also takes time to learn about them and their families, said Kaplan, who attended Pen's Zoom meeting and is often present during the conversations.

The prisoners are often "starstruck" in Brown's presence, Kaplan said.

"She spends a lot of time on each case in order to learn all there is to learn about the person and the past and the future, and I think having the meetings whether on Zoom now or prior is a way to let the person know how serious she is about them not following through on the rules," Kaplan said.

Union County District Attorney Kelsie McDaniel said she wishes Brown had shown her the same cour-



Dave Killen/The Oregonian, File  
**Oregon Gov. Kate Brown speaks at a Reopening Oregon celebration at Providence Park in Portland on June 30, 2021.**

tesy as Pen, who has a long record of drug and property crimes in La Grande.

McDaniel said she was among the prosecutors who met recently with Brown's general counsel, Dustin Buehler, and another Brown lawyer, Kevin Gleim. She asked about the Oct. 11 meeting with Pen and why Brown had taken time to meet with Pen but not local authorities familiar with his case. She said she knew Brown was considering the commutation but learned only later that the governor had decided to grant it.

"Is this something we are doing now?" McDaniel said she asked. "Are you going to speak directly with the victims and the DAs? I have never been interviewed about a commutation by the governor personally."

McDaniel said Brown's lawyers told her that the governor met with Pen to "personally impress" upon him the significance of her commutation "and the conditions that were coming with it."

"I asked what happens if he leaves treatment or is unsuccessful?" she said. "The answer I received was the governor has the option to rescind the commutation."

She said she asked Buehler and Gleim how they would monitor Pen's progress.

"They said the governor's office knows when these people are unsuccessful," McDaniel said.

Pen was convicted in 2018 of possession of methamphetamine. He was originally charged with multiple drug felonies involving methamphetamine and oxycodone possession and delivery. Prosecutors said the case involved a dealer amount of methamphetamine.

Under his plea deal, he agreed to an eight-year sentence. Prosecutors agreed to suspend the sentence provided Pen got treatment and met other conditions. As part of the deal, he was allowed two "minor" probation violations, McDaniel said. The third violation would send him to prison for the full sentence, which is what ended up happening, she said.

The original indictment cites Pen's persistent involvement in similar crimes in Union County and notes that the latest allegations took place while he was already on probation.

"Future efforts to rehabilitate (Pen) will not be successful and there exists a need to ensure the security of the public," the indictment states.

# LOGGING

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county could put out something definitive, maybe put out a public notice for a meeting if that's the case."

Friends of MERA, a group of about 40 locals dedicated to the well-being of the recreation area, met with the county in August 2020 during a similar field review to discuss their concerns about the potential logging. Many in the group felt a disconnect between what was discussed during that meeting and the parameters of the current logging plan.

"I talked to some of the commissioners at that time, but they never gave us a written agreement," said Kate Pfister-Minogue, a member of Friends of MERA.

Pfister-Minogue, who has lived for more than 40 years on what is now MERA, expressed her concern with the lack of public input. Numerous members of Friends of MERA noted the opinion that the MERA Advisory Board, which serves to gauge public input, was left out of the current forest management discussion.

"All of us agree that there needs to be a plan in place for thinning of trees and fire prevention, not commercially logging big trees," Pfister-Minogue said. "It's a beautiful thing for our area and those of us that are fighting against this don't see any reason to do this."

Bart Barlow, a former member of the MERA Advisory Committee, echoed a similar sentiment. He noted that it seemed as if the county and the group of concerned citizens at the meeting in 2020 about the potential logging agreed it was important to stay away from trails, lightly cut trees, treat diseased trees and emphasize fire prevention.

"We thought we agreed with that, but the county did not put anything in writing after that meeting," he said. "The process that was set up in the ordinance by the county is not being followed, which is that it goes through the advisory committee to get public comment on things."

One MERA homeowner spoke up in support of the plan, stating that the fire prevention tactics are crucial to the longevity of the recreation area.



Alex Wittwer/The Observer  
**Sean Lerner, a member of the Blue Mountain Singletrack Club and vocal opponent to a potential logging project, on Wednesday, Nov. 10, 2021, voices his concerns over the expected damage to the trailheads and bike tracks at the Mount Emily Recreation Area.**



Alex Wittwer/The Observer  
**Sean Chambers, Union County parks coordinator, speaks on Wednesday, Nov. 10, 2021, during a public field review of a potential upcoming logging project at the Mount Emily Recreation Area. Chambers said all options are still on the table. "Some feel that this is a done deal. It is not. We are changing as we go."**

## Preserving the trails

A vocal majority in the crowd at the field review expressed dissatisfaction with the potential impact the logging could have on the structure of the numerous trails at MERA.

According to Barlow, it can cost roughly \$30,000 to build a mile of trail. If the logging were to do serious damage to the trails, he is concerned about the monetary impact and volunteer force needed to fix them.

"Our trail system up there is worth about \$1.5 million right now," he said. "They're probably going to damage 8 to 10 miles of it at a \$30,000 per mile replacement cost."

Barlow was a part of the committee that built 3 miles of trails at Anthony Lakes, which cost about \$90,000 in grant funding. MERA was purchased with grant money, while years of volunteer work helped create the trails that are present to this day.

"To go in and start cutting trees down and tearing up trails feels like a slap in

the face to us taxpayers and volunteers," Barlow said.

He argued that fire prevention is a paramount concern, but that logging and damage to the trails would set the area back in terms of tourism and recreation.

"I'm 100% in favor of managing the forest up here, a healthy forest," Barlow said. "There's no reason they can't give due consideration to these trails."

## Looking out for wildlife

Several community members at the field review voiced their concerns over the project's impact on wildlife, which brought about a tense back-and-forth. One audience member criticized Sarrett and the county for not consulting with a wildlife biologist when marking trees for trimming and logging.

Karen Antrell, a professor of biology at Eastern Oregon University, noted the ecological landscape at the Mount Emily Recreation Area has changed

tremendously since the area became a more common space for recreation. She expressed the need for a conservation easement at MERA, which could limit the scope of logging and improve habitats for wildlife.

Antrell noted that maintaining the largest trees is crucial to fire resiliency at MERA, which maintains a fire return frequency of about 25 years. She also noted that cutting the understory and protecting soil from infestation and invasive grass species are productive ways to prevent imminent fire at MERA.

"The best management would be to protect the tallest trees at all costs," she said. "If you do the right thing now, it will save you in the long run."

## Timeline in question

Chambers and the audience discussed ways that the county could promote the meetings and information more clearly to the public. He stated that public comment is always welcome at county commissioners meetings, where the forest management plan may be discussed further.

He noted the commissioners could meet to discuss the forest management plan and adjust the timeframe if need be.

While the project received noticeable negative feedback from the public during the field review, both sides saw eye-to-eye on the need for fire prevention and trail maintenance at MERA. The recreation area is a driving force of tourism and recreation in Union County.

"The county's goal is forest health, fire resistance and recreation," Sarrett said.

# TAX

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welcome relief that will directly aid news-gathering organizations, including an estimated 113 newsrooms in Oregon. It's the only piece — some would say the most important piece — left of an original three-part proposal intended to stabilize and reform an industry upended by the deadly trio of Google, Facebook and the pandemic.

The tax credit sunsets in five years, giving media

companies a reasonable timeframe to build a sustainable business model that supports local journalism in the internet age. It also sends a message to young people that journalism is a career worth pursuing where there will be jobs available with those companies that make the successful transition.

Numerous studies show what happens in communities where there's no professionally trained journalists asking questions

and accurately reporting on what is happening at a local level: Government waste and potential for corruption by public officials increases, voter turnout drops and communities find it harder to solve their own problems. News deserts create democracy deserts, especially in rural communities.

If you are reading this and want to help, email our Oregon congressional delegation and let them

know you support keeping the Local Journalism Sustainability Act temporary tax credit in the budget reconciliation package.

*Heidi Wright is the COO of EO Media Group and the publisher of The Bulletin and serves as treasurer for America's Newspapers, an industry group representing more than 1,600 newspapers across the country. Email her at hwright@eomedia-group.com.*

**Jingle thru Joseph**

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