

OUR VIEW

# Be specific when dealing with the state

The Oregon Court of Appeals has effectively overturned a jury verdict that had awarded a dozen counties and dozens of taxing bodies within them \$1 billion.

The ruling emphasizes the necessity of clear and specific language in contracts, particularly when you are dealing with the state.

At issue is the case brought six years ago by 14 counties that in the 1930s and 1940s ceded 700,000 acres of forestland to the State of Oregon. The counties claim they donated the forest land with the contractual expectation that logging revenues would be maximized.

And for a couple of decades or more, that's what the state did. It sold timber and gave part of the proceeds to the counties and other taxing districts.

But what had the state actually agreed to do?

The state, through legislation, agreed to manage the forest for the "greatest permanent value." In the 1930s and 1940s, when the state's forests were being actively harvested for lumber, that was assumed to mean the greatest dollar value.

But in 1967, the Legislature expanded the definition of "greatest permanent value" to include multiple uses. Timber revenue was just one goal, not the only goal. And in the late 1990s, the "greatest permanent value" was changed in the state's forestry management plan to include environmental and recreational considerations that restricted timber harvests.

That's when the counties that depended on timber revenues to pay for services really started to feel the squeeze. In 2016 they sued.

In 2019, a jury in Linn County heard opposing arguments from the counties and nearly 150 taxing districts within them, and from the State of Oregon. Weighing those arguments, the jury concluded that the state had agreed to focus on cash-generating timber harvests and had violated its contract.

The plaintiffs were awarded \$1 billion in damages.

Last week, the Oregon Court of Appeals ignored the jury's findings and ruled that the trial judge had improperly denied the state's request to throw out the lawsuit.

Legislation requiring Oregon to manage the forestland for the "greatest permanent value" does not create an "immutable promise" to maximize revenue for the counties, the appeals court ruled.

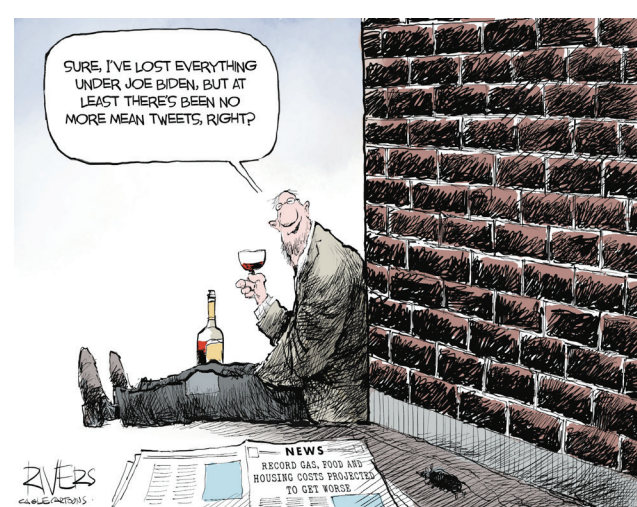
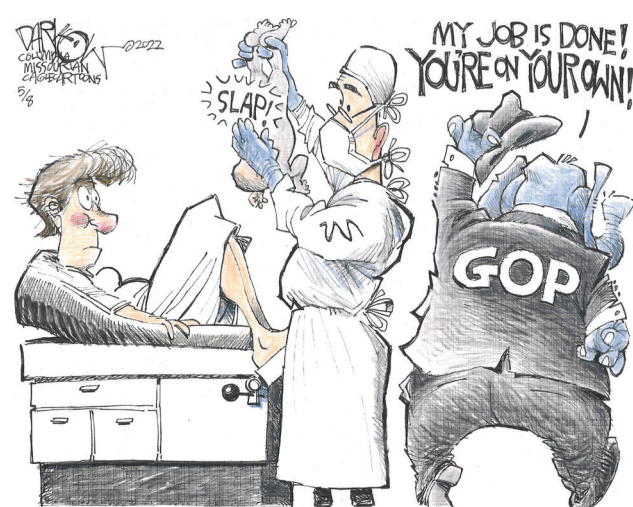
The appellate court said that "historically, 'value' has myriad definitions, some of which could relate to revenue production and others that do not relate to revenue production."

The statute also directs that forests be managed for the "greatest permanent value" to the state, rather than to the counties, which means the text falls short of the "clear and unmistakable intent" of making a contractual promise, the ruling said.

Therefore, the judge erred in not dismissing the suit. Plaintiffs lose their \$1 billion and must hope the Oregon Supreme Court takes up its case.

We think the counties and the state were of the same mind when the lands were donated. It's telling that a jury heard these arguments and found a contract existed.

But lawyers and people see things differently.



## LETTERS TO THE EDITOR

### Wyden does not deserve another term

On Oct. 22, 1981, this country broke the trillion-dollar debt ceiling. The news was everywhere, not just on conservative news sites. As I sit here this morning that debt sits at \$28.9 trillion and is climbing by 10's of 1000's of dollars per second. I have no personal debt, yet my government has saddled me with \$38,050 of debt. And now there are calls to absorb \$1.75 trillion in college loans.

Ron Wyden arrived in Washington, D.C., in 1981. A dollar in your pocket in 1981 is now worth a measly 28 cents. Gas was \$1.31.

Debt and inflation are created by government and current policies, not the other party or the last president, not Putin, not climate change, not your opponent and surely not the bogeyman. Government has no money; it is your money and debt. Inflation is just another tax that has been dumped on you by devaluing your hard-earned dollars.

Andrew Jackson eradicated the national debt (1829-1837). Calvin Coolidge was the last president to decrease our debt (1923-1929). Sen. Wyden has been instrumental in adding \$2.1 trillion in less than two years.

Sen. Wyden is a senior member of, arguably, the most corrupt Congress in U.S. history. He chairs the Senate finance committee and sub chairs the Senate committee on taxation. Ron Wyden is a disgrace to not just the Senate but Oregon and does not deserve another term.

In his son's own words, "Why

does he hate us / the American dream so much?!?!?!?! Reality is: most legislators have never built anything ... so I guess it's easier to mindlessly and haphazardly try and tear stuff down."

Grant Darrow  
Cove

### Lack of access to abortion services is the problem

The Supreme Court is overturning Roe v. Wade as we know it. People may feel that we will still be able to access abortion here in Oregon. The problem is, though, that access is not everywhere.

There are no abortion facilities in Eastern Oregon. The closest providers are in Eastern Washington State. We need to have abortion services available in La Grande. There is no real excuse not to have that.

The biggest problem in abortion services is not the law as much as it is access. Let us fix that.

Peter Hall  
Haines

### McCloud as governor would bridge Oregon's rural-urban divide

It is time for the midterm elections and I would like to urge all of Eastern Oregon to exercise their right to register to vote ... and then actually cast a ballot. The midterms are important and dictate who our choices are on the general election ballot in November.

This month we vote to select our candidates for governor, and as a self-described "Centrist Repub-

lican" I have carefully deliberated and decided to endorse and vote for Tim McCloud (R) — his positions on almost every issue align with mine, and most rural Oregonians.

McCloud is the one candidate who can bridge the divide between rural and urban Oregon, represent both communities equally. I believe he is the only Republican on the ticket who can actually win in Oregon, and I hope other Republicans will vote for him on their primary ballots as well.

Steve West  
La Grande

### Anderes has been active and sincere commissioner

I am writing a support letter on behalf of Paul Anderes for Union County Commissioner. Mr. Anderes has done a great job being involved and aware of needs in our county. He has been present often and has been willing to voice his opinion for what he believes is in the best interest of this region. He has been willing to go the extra mile and has proven to me that his efforts are sincere.

We need active and sincere commissioners who will tackle the tough topics. Mr. Anderes has done that. Being resourceful and dedicated to making Union County a better place for residents is something Mr. Anderes has put at the top of his list. Please join me in voting for Paul Anderes for Union County Commissioner.

Gust C. Tsiatsos  
La Grande

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