

Judge: Food industry broke campaign disclosure law

No decision yet on penalty

By **DON JENKINS**
Capital Press

OLYMPIA — The Grocery Manufacturers Association broke Washington law by failing to register as a political action committee and to identify the food and beverage companies that contributed \$11 million to defeat a Washington state GMO-labeling initiative in 2013, a Thurston County judge ruled March 11.

Judge Anne Hirsch, in a written opinion, stated the association, which has more than 300 members, withheld donor identities to shield companies from adverse public reaction.

“The undisputed evidence ... shows that the GMA’s intent was to create a plan to provide anonymity and elim-

inate state filing requirements for contributing members,” Hirsch wrote in granting a motion by the Washington Attorney General’s Office to find GMA guilty based on facts presented in court records.

Hirsch withheld judgment on penalties against GMA. The attorney general has asked for up to \$42 million, alleging the violations were intentional.

Hirsch cited evidence that GMA consulted with lawyers before contributing to the No on Initiative 522 campaign. She ruled penalties would have to be further litigated.

I-522 would have required food makers to label products with genetically engineered ingredients. The measure was narrowly defeated after the



Capital Press file

The Washington state voter guide spells out the 2013 initiative that would have required labels on most foods with genetically modified ingredients. A Thurston County judge on March 11 ruled that the Grocery Manufacturers Association had violated state campaign disclosure laws by not listing members’ donations.

most-expensive initiative campaign in state history.

The Attorney General’s Office filed the lawsuit shortly after the election.

“This landmark case has been a long fight for accountability,” Attorney General Bob Ferguson said in a written statement. “This ruling sends an unequivocal message: Big money donors cannot evade Washington law and hide from public scrutiny.”

GMA has argued that it was acting within its constitutional rights to represent the political interests of its members.

“We believe the ruling today to dismiss GMA’s First Amendment claim will hurt the constitutionally protected right of trade associations to engage in political debate in the state,” GMA said in a written statement.

GMA set up a Defense of Brands account in February 2013 and collected \$14 million from its members, spending \$11 million on the Washington initiative.

The attorney general’s office suggested that the court base its penalty on tripling the entire \$14 million, a penalty that will require a court to rule GMA’s violations were intentional.

“The ruling today noted that there is evidence that GMA believed its conduct was appropriate under state law, which is an important point in determining any penalty. In the upcoming trial, we believe the facts will show that GMA always intended to comply with the law,” the association stated.

At a hearing earlier this month, GMA argued that the campaign against the Washington initiative was just one of the activities funded by Defense of Brands.

Hirsch stated GMA’s commingling of funds “does not make the law unclear.”

“If there is any confusion,

it results from GMA’s actions in creating the DOB account,” she wrote. “The court will not permit intentional acts of the GMA to create a situation in which an otherwise clear law is unconstitutional ...”

GMA formed the Defense of Brands account after a bruising campaign in California to defeat a GMO-labeling initiative. Hirsch noted that individual food and beverage companies and officials had suffered a backlash, and even death threats.

In another case pending in Thurston County court, the attorney general’s office alleges a pro-labeling group, Food Democracy Action, also violated public disclosure laws by not reporting contributions and expenditures. The Attorney General’s Office has moved for summary judgment in that case, too.

Rancher awarded \$246,500 in shooting of guard dogs

Hunters, one a former state trooper, shot protection animals

By **JAN JACKSON**
For the Capital Press

A jury has awarded a Central Oregon rancher \$246,500 from two hunters who shot and killed three Great Pyrenees livestock protection dogs.

Brothers Paul Johnson of Roseburg and Craig Johnson of Bend were previously convicted of killing three Great Pyrenees livestock protection dogs owned by rancher Gordon Clark.

Craig Johnson is a retired Oregon State Police officer.

The jury awarded Clark \$7,500 for the replacement value of the dogs, \$100,000 for emotional harm and \$139,500 in punitive damages. Attorneys for the Johnsons could not be reached.

Clark, who owns and operates the historic Hay Creek Ranch 11 miles east of Madras, Ore., said he was relieved that the 3 1/2-year ordeal was over.

The shootings, which took place Aug. 27, 2012, happened on a grazing allotment in the Ochoco National Forest that Clark has used for the past 20 years.

“It was about 9:30 in the morning and my herder was routinely moving about 1,060 ewes from one camp to another,” Clark said. “Suddenly someone opened fire and start-



Courtesy of Gordon Clark

Gordon Clark is seen standing with one of his guard dogs in this undated photograph. Brothers Paul and Craig Johnson shot and killed three of his Great Pyrenees livestock protection dogs Aug. 27, 2012. A Crook County jury recently awarded him more than \$246,000 in damages to Clark as a result of the shootings.

ed killing the dogs.”

He said the area was posted and the dogs all had collars that gave his contact information and an explanation of the work they were doing.

“My herder had no idea what was happening, except that someone was shooting at them. He was scared because bullets were ricocheting all around him,” Clark said. “The

sheep were fleeing away from the shooters. He called my camp tender about 3 o’clock and said someone is shooting our dogs.”

The camp tender went to the scene and called Clark, who then called the Crook County Sheriff’s Office.

Clark had nothing but praise for the Crook County Sheriff’s Office and his attorney.

“Deputy David Bottoms and attorney Greg Lynch were unstoppable,” Clark said. “In the beginning, the Johnson brothers were only given probation, a yearlong ban from hunting, \$500 fine, 80 hours community service and a forfeit of firearms,” Clark said.

“Had Deputy Bottoms not continued to gather hard evidence in the face of all the false testimony, we wouldn’t have the brothers’ footprints that were mingled with the sheep prints and the bullets that matched their rifle.”

Bill to codify stock watering rights ruling on agenda

By **SEAN ELLIS**
Capital Press

BOISE — An effort to codify in state statute an Idaho Supreme Court ruling on who owns in-stream stock watering rights on federally administered land is still on the legislative docket for this year.

The 2016 Idaho legislative session is winding down — lawmakers hope to adjourn by the end of March — but a bill that would codify that landmark ruling into Idaho law will be introduced this year, said Rep. Judy Boyle, a Republican rancher from Midvale who is leading the effort.

“We’re going to do it this year,” she said. The U.S. Bureau of Land Management and thousands of ranchers in Southern Idaho filed overlapping claims to in-stream stock watering rights on federal land during the state’s Snake River Basin Adjudication.

All but two of the ranchers capitulated when they realized fighting the BLM in court would cost a lot of money.

But Owyhee County ranchers Tim Lowry and Paul Nettleton refused to back down, and in 2007 the Idaho Supreme Court ruled in their favor.

But they were left with \$1.5 million in legal bills because the court didn’t allow them to recover attorney fees. The court ruled on their

side because the BLM doesn’t own livestock and therefore can’t put the water to beneficial use, Justice Dan Eismann, who wrote the court’s decision, told ranchers during an Idaho Farm Bureau Federation water rights conference in January.

Eismann said “water rights on federal land are perpetuant to the person who is watering the stock.”

If Boyle’s bill passes, “From this point forward, you cannot apply for stock watering rights unless you put it to beneficial use,” said IFBF Director of Governmental Affairs Russ Hendricks.

Boyle’s bill would not only prevent the federal government from filing for in-stream stock watering rights in Idaho, it would also seek to take back the thousands of stock watering rights decreed to the BLM during the SRBA and give them to the ranchers who initially filed overlapping claims.

“Under (the court) opinion, they can’t put it to beneficial use so they can’t legitimately have the water right,” Boyle said. “And the ones who are putting it to beneficial use are the ranchers with the leases.”

Lowry applauded the effort to transfer those rights to the ranchers “because the BLM wound up with all those rights essentially by default because those ranchers couldn’t afford to defend their rights.”

Post Falls farmer to sell automated tractors

By **JOHN O’CONNELL**
Capital Press

POCATELLO, Idaho — A Post Falls, Idaho, seed potato farmer has announced he’s building driverless tractors and will deliver the first machine to a Southern Idaho farmer within 60 days.

With no cab, steering wheel, seat or gauges, David Farb, founder of Farb Guidance Systems, said his innovation will require just 75 horsepower and will be roughly half the size of a modern, conventional tractor.

Farb expects to build about 60 units in 2016 and has already received commitments for 100 units. He plans to step up production in 2017. The purchase price for one of his tractors will be from \$160,000 to \$170,000. He’s working with equipment dealers around the state, including a large dealership in Southern Idaho, to provide a network to maintain the machines.

A second machine will be delivered to the Southern Idaho farm shortly thereafter, with tweaks made based on performance observations.

“We think that once these get in the dirt that it will be an explosive type market,” Farb said. “It’s pretty hard to say no to it at the cost and what it does for you.”

The tractors will have several sensors to alert farmers in the event of an equipment prob-

lem. They’ll be guided by GPS maps, and Farb said they’ll be capable of pulling “the smaller end” of existing implements. Farb also has driverless equipment in development, believing automated technology will soon render tractors — even those with no cabs — obsolete. Farb also expects automated planters, harvesters and other equipment will be much smaller than current equipment — and far cheaper.

Farb explained machines have evolved to be bigger, more powerful and more expensive to enable a single operator to cover more ground. With driverless equipment, his company calculates growers will achieve the greatest return on investment with multiple, smaller machines. Smaller equipment will have added benefits for precision agriculture.

With big equipment, growers must utilize large zones for their variable-rate applications. Farb anticipates automated sprayers of the future will use single nozzles to treat individual plants.

“We believe we can get it down to the plant scale,” Farb said. “That’s not precision agriculture. That’s surgical agriculture.”

Farb’s company is initially ordering components and assembling tractors in-house, but eventually hopes to work with another company on manufacturing.

Newspapers in Education

Here’s what Ag teachers say about our NIE Program.



“Students use the Capital Press for research on Ag current events and FFA speaking competitions. We use the articles as part of the implementation of reading/writing strategies in Ag classes.”
- Ryan Maiden, Grandview High School
Grandview, WA

“By researching current events, students stay updated on what is happening in the agriculture industry in our region, across the nation and around the world! Thank you for promoting life-long learning!”
- Brook Vander Veen, Echo High School
Echo, OR



Educating the next generation is very important to Capital Press. All of us here wish to extend a sincere “Thank You!” to all the valued sponsors who have contributed to our NIE program. It’s your continued support that will help educate the next generation on the importance of agriculture.

Cultivating young minds.
www.capitalpress.com • 1-800-882-6789



Help educate the next generation about the business that feeds the world - AGRICULTURE!

- Yes I can help Capital Press’ NEWSPAPER IN EDUCATION program by sponsoring an ag classroom for \$150. This provides 6 classroom copies.
- Yes I want to sponsor papers in the classroom. Here is my check for _____.*

Name _____ Address _____
City _____ State _____ Zip _____

Make check out to Oregon Newspapers Foundation (ONF) and note on the reference line of the check “Capital Press NIE fund.”
*Your donation may be tax deductible.

Capital Press
The West’s Ag Weekly
P.O. Box 2048
Salem, OR 97308

Thank you for your generosity and gift to secure the future of agriculture.