

# THE DAILY ASTORIAN

Founded in 1873



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## Are we doomed to unstable county leadership?

Scott Somers' resignation as Clatsop County manager reveals a startling dissonance. While the county's cities and major school districts have enjoyed relative stability in top management, county government has not.

The startling detail in Kyle Spurr's Thursday story on Somers' departure is that Clatsop County has had nine top managers in the 15 years of home rule government. The first manager, Bill Barrons, served almost half of that period, seven years.

As the Clatsop County Board of Commissioners begins the predictable "nationwide search" for a new manager, it is worth reflecting on what the past can tell us. There is no consensus on whether Somers was good or bad for county government. While commission Chairman Scott Lee praises Somers, that adulation is not shared widely in among county employees or the larger community.

Whatever you think of Somers' record, the great omission was that he did not become part of the county's cultural fabric. This was not his permanent home. Somers is not alone in that lifestyle. He is what could be called a floating municipal professional who moves from city to city, never setting down roots.

A large element in county government's revolving door has been the commission's own instability. While there have been a number of long-term city councilors in Astoria, Seaside and Gearhart, the county commission has had none. Long-term service brings institutional memory. It is a good bet that sitting

commissioners have little or no memory of where home rule came from or of the miscalculations and mistakes made by its predecessor commissions.

County government — except when it goes disastrously off course — is generally less top-of-mind than city governments. Citizens have a much clearer image of the city they live in — Astoria and the rest — than they do of county government — even though it is a large enterprise with around 200 full-time employees and a budget of \$52.2 million.

The commissioners are the elected board of directors of this large enterprise, and the manager is the hired executive. Commissioners might understand that intellectually, but at times they don't get it emotionally.

As the toll of departed department managers mounted under Somers, there was a moment when it appeared that some of the commissioners, and Scott Lee especially, acted as though they were working for Somers. Collectively, they lacked the will to openly question whether the bloodletting was good for county business.

A wise hiring decision must begin with the commission itself. Unless commissioners have a shared image of what they want, the roller coaster ride will continue.

## When sediment runs free

Removal of the Elwha and Glines Canyon dams on the Olympic (Wash.) Peninsula to improve salmon migration is revealing in dramatic terms just how substantially a river is altered by dams and what happens when they are removed.

An Aug. 10 story in *The New York Times* pictures the restored Elwha River forming a large, sandy delta in the Strait of Juan de Fuca now since dams have been taken out. This sediment is being carried well beyond the river's mouth, recharging beaches.

"In the first two years of the project (between 2011 and 2013), ... about 2.5 million cubic yards of sediment had accumulated in the river delta. As a result, the beaches there, long starved of sand, began growing. The delta expanded hundreds of yards into the strait and spread more than half a mile to the east," the U.S. Geological Survey reported. Another 1.5 million cubic yards of sediment have tumbled downstream into the delta in 2014-15.

Eventually, the Elwha will return to a natural state in which around 300,000 cubic yards of Olympic Mountains sediment will be carried into the strait each year.

It comes as little surprise to be reminded that Pacific Northwest dams impound not only water, but also sediment. The Columbia River is one of the most drastic examples of this, with a network of enormous dams keeping sediment out of the natural hydraulic system and out of the river's artificially enhanced navigation channel. Of the 600 river miles between Bonneville and the Canadian border, there are only 47 miles of free-flowing — the rest of the Columbia consists of slow-moving puddles of water and a vast mass of entrapped mud.

Some small fraction of sediment does still reach the tidally influenced part of the Columbia where we live. In addition, pre-dam sediment shifts around inside the estuary, necessitating ongoing dredging to keep channels open. For the most part, this dredged sediment has been redeposited outside the waterway on upland disposal sites or in deep water.

Even in light of the positive experience on the Elwha, there is no real discussion of removing Columbia-Snake dams, which are much larger and serve a far wider set of interest groups. Even the Lower Granite Dam on the Snake River, controversially completed in 1975 and a favorite target of environmentalists, is unlikely to be decommissioned in an era of western water shortages and sensitivity over carbon emissions.

What can and should be inspired by the Elwha experience is placing a higher value on making certain that available sediments are not wasted. It's possible sea-level rise will overwhelm all human efforts to compensate, but beaches will have a better chance of surviving longer if sediments can reach them. The U.S. Army Corps of Engineers is beginning to display more interest in keeping sediment within the beach-building system, for example by exploring the idea of dispersing it into fast-flowing portions of the river after it has been dredged from places like the Ilwaco, Wash., channel.

We may never return most Pacific Northwest rivers to their natural conditions. In the Columbia system, doing so would make the river impassible for modern vessels. But we still can learn from the Elwha and endeavor to make sediment useful again.

## GUEST COLUMN

# Plea negotiation serves a greater good

By JOSHUA MARQUIS and  
DAWN BUZZARD  
For *The Daily Astorian*

Late in July a well-known local man, Michel Thomas Mitchell, was sentenced after pleading guilty to charges of attempted sexual abuse in the first degree, bribing a witness and tampering with a witness. The victim, who was not identified, was under 12 years old when most of the molestation occurred.

Like the vast majority of criminal cases of the approximately 1,000 convictions that occur annually in Clatsop County (and elsewhere) the case did not go to trial but was the result of negotiation — what is sometimes called a "plea bargain."

If cases were not negotiated we'd need triple the number of prosecutors, defense attorneys and judges that serve our county's justice system. Far from being some sleazy "deal" (the headline on the story read "Plea deal reached on sex abuse allegations") a plea negotiation trades the certainty of a conviction for the state, the finality for the victim, and a known and usually bargained for resolution for the defendant. There is nothing "alleged" about his actions. He stands convicted of three serious felonies, one of which will require him to register as a sex offender.

Contrary to an angry letter written by a friend who also happens to be a prominent local business owner, Mr. Mitchell had every opportunity to "tell his side." They are generally called trials.

He had a right to remain silent in court, but now some of his supporters are trying his case in the court of public opinion and in that forum he's chosen never to tell "his side."

But he had the services of a privately retained and highly skilled defense attorney who negotiated the best result possible for his client. The letter, published July 31 in *The Daily Astorian*, charged that he was "never given a fair chance to defend himself." Nothing could be further from the truth. His computer had been professionally wiped, he refused to take any tests

offered that might indicate he did not commit the acts to which he ultimately admitted, and he chose to plead guilty rather than face trial by his peers.

Unfortunately the news story told readers he entered an "Alford plea," but then only later explained it was a guilty plea.

There are three pleas in the American justice system — not guilty (meaning either the defendant is claiming innocence or declares the state has insufficient evidence to convict him), "no contest" in which the defendant does not contest the evidence against him and a guilty plea.

The "Alford plea" comes from a 1970 U.S. Supreme Court case where a murder defendant claimed he only entered the guilty plea because of fear he might be convicted of something worse or receive a harsher sentence. The Supreme Court held that claiming you were "really innocent but still pleading guilty" meant ... you were pleading guilty ... period. More recently, in 2006 a U.S. Circuit Court of Appeals Judge held that an Alford guilty plea is a "variation of an ordinary guilty plea." The only difference is that the defendant, who often has vehemently denied his guilt to friends and family can claim, "I didn't do it, but they'll convict me

anyway."

Mr. Mitchell did not receive "60 days of alternative sanctions" in place of "300 years in prison." In order to prevent a young child, who had already been sexually abused, threatened, bribed and manipulated, the further abuse of enduring a trial, our office agreed (with the consent of the child and her parent) to a sentence that places Mitchell on supervised probation as a sex offender for five years. He is required to serve 90 days in jail, 60 of which can be served on what are called "alternative sanctions" largely because as is well-known we have almost no jail space. But more importantly Mr. Mitchell will be sentenced to 70 months in prison if his probation is revoked. There won't be a further negotiation on the term and he'll serve every day of the almost six years in a state prison if he flunks probation.

There are several teachable moments in this case. Child sexual abuse occurs across all ethnic, socio-economic, and gender lines. Most "child molesters" do not look like cartoon figures, they resemble your neighbors. This case no longer involves "allegations" but proven and admitted facts.

The community should be supportive, as it largely has been, of brave young women (and men) who have the courage to come forward and report when adults in positions of trust violate that trust in a way that sometimes scars the child for life. To deny that this occurred in the face of a guilty plea is simply denial of facts and truth.

Not everyone accused is guilty, or maybe not guilty of all the crimes of which they stand accused, but Oregon provides some of the best levels of defense, even for those without means (not the case in this particular instance). The people who sit on the grand jury or, ultimately, the trial jury come from our community and bring the collective common sense of that community to bear.

*Joshua Marquis is the Clatsop County district attorney, and Dawn Buzzard is the senior assistant district attorney.*



Dawn  
Buzzard

Josh  
Marquis

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## The Racing Form, third edition

By CHARLES  
KRAUTHAMMER

*The Washington Post Writers Group*

WASHINGTON — Both presidential nomination contests having been scrambled by recent events — the FBI taking control of Hillary Clinton's private email server and a raucous, roiling GOP debate — the third edition of the Racing Form is herewith rushed into print.

Legal disclaimer: This column is for betting purposes only. What follows is analysis — scrubbed, as thoroughly as a Clinton server, of advocacy. (Unless I simply can't resist.)

*Hillary Clinton:* Ever since her disastrous book-launch performance, I've thought her both (1) a weak candidate and (2) the inevitable Democratic nominee.

No longer. She has fallen from her 95-percent barring-an-act-of-God perch. The email imbroglio has already badly damaged her credibility. But now that she's lost control of the server, there is potential for further, conceivably fatal, damage. It hinges largely on how successful she was in erasing the 32,000 emails she unilaterally deemed private.

Whatever happens, she will stay in the race. Clintons never quit. But if more top-secret information is found, if she did destroy work-related emails and if her numbers continue their steady decline, the party might decide it simply can't afford to continue carrying her baggage.

Odds: 1-3.  
*Bernie Sanders:* A less flighty, more serious Gene McCarthy. Fiery and genial, Sanders is the perfect protest candidate. But can a 73-year-old dairy-state Brooklynite socialist win? Of course not. If Hillary falls, Joe Biden fills the vacuum. Possibly even John Kerry. (Note to Dems: The beatified Jon Stew-

art is currently unemployed and at large.)

Meanwhile, over at the GOP ...

*Donald Trump:* Clear front-runner. Are you waiting for him to bring himself down? He won't. He's impervious to the gaffe. In fact, he has a genius for turning a gaffe into a talking point, indeed, a rallying cry.

Since the debate, his numbers have plateaued, and in some places declined. In New Hampshire, for example, he's gone from the mid-20s to the high teens. And he had a rough debate, as reflected in the Suffolk University poll in Iowa taken right afterward, in which, by 55-23, respondents felt less comfortable with him as president.

Nonetheless, his core support, somewhere around 20 percent (plus or minus a couple), remains as solid as that once commanded by Ron Paul and Ross Perot. Which means Trump will likely continue to lead until the field whittles down to a handful, at which point 20 percent is no longer a plurality.

*Teflon Don:* Solid constituency, fixed ceiling. Chances of winning his party's nomination? About the same as Sanders winning his.

*Jeb Bush, Scott Walker, Marco Rubio:* Still the top tier. Walker just held his own in the debate. Bush slipped slightly, appearing somewhat passive and, amazingly, still lacking a good answer to the "brother's war" question. But he continues steady with a serious follow-up foreign policy speech and stick-to-his-guns positions on Common Core and immigration — not easy given the current mood of the party.

Rubio had the best debate performance of the prime-time 10 — fluid, passionate, in command. And he was



Charles  
Krauthammer

already No. 1 in the "who could you support" question (at 62 percent), crucial in a 17-member field.

Odds for each? Rubio 3-1. Bush and Walker 4-1.

*Ted Cruz, John Kasich, Carly Fiorina:* The new second tier. And rising. Cruz had a strong debate, establishing himself as the most convincing carrier of the populist, anti-Washington

meme.

Kasich was engaging and compelling as the bleeding-heart conservative and successful tough-guy governor. Not an easy trick.

Fiorina displayed raw talent that surprised everyone who didn't know her — and 6 million watched. Articulate, knowledgeable and relentlessly combative, she took on Clinton, Trump and Barack Obama. Being in the undercard was a stroke of luck. She took the stage and made it her own.

Odds for the second-tier? 9-1 but with high ceilings for each.

Bonus Racing Form feature: the general election.

Conventional wisdom is that the GOP is tearing itself apart and headed south. What's becoming clear, however, is that the Democrats are equally split ideologically — Clinton desperately moving left as Sanders' crowds grow — and increasingly nervous about her chronic, shall we say, character problem.

Both parties limp into November 2016. Current odds? GOP: 55 percent.

And note how thin is the Democrat's bench. After Clinton, no one, while the GOP stage sports perhaps eight to 10 impressive, plausibly presidential figures, including (for those who count such things) two Hispanics, a female former Fortune 500 CEO and an African-American brain surgeon.

And one white guy fluent in Spanish. Try engaging Bernie or Hill *en español*.

## Where to write

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