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OUR VIEW

Justice not served in Hammond case

By any measure, the five-year sentence given to Eastern Oregon rancher Dwight Hammond and his son Steven was excessive.

That's probably the one point on which all sides of the case can agree.

Beyond that, opinions vary on what level of punishment would have been fair in a case that illustrates the shortcomings of a skewed legal system and a federal agency whose employees — at least one of them — use government resources to reveal their biases and criticize the Hammonds.

The case grew out of an ongoing dispute between the Hammonds and the U.S. Bureau of Land Management.

Let's back up a few years, to

2001, to be exact. That's when the 139-acre blaze called the Hardie-Hammond Fire was set on the Steens Mountain Cooperative Management and Protection Area, according to court documents.

In 2006, the Krumbo Butte Fire was set, burning 1 acre of public land, according to court documents.

In each case, the Hammonds had leased the land to graze their cattle. Fire is an oft-used tool to clear land of weeds, juniper and other invasive plants, but the Hammonds had no permission to set fires on public land.

In 2012, the Hammonds were taken to court. After a two-week trial, Dwight Hammond was convicted of setting the first fire and sentenced to three months in prison. His son Steven was convicted of setting the second fire and sentenced to one year in prison. Both also received three years of supervised release.

The Pendleton jury acquitted the father and son of setting two other fires and the government dismissed those charges.

At the sentencing, U.S. District Judge Michael Hogan opted for the lighter sentences, but the prosecutor appealed to the 9th U.S. Circuit

Court of Appeals, which agreed with him that a mandatory sentence can't be ignored.

Two weeks ago, U.S. District Judge Ann Aiken resentenced the Hammonds to five years in prison.

Though legally correct, the sentence is patently unfair.

The Hammonds were charged with violating a federal law that carried with it a minimum sentence

of five years in prison. The law is aimed at crimes in which terrorists or others destroy federal property through bomb blasts or arson.

Though exercising extraordinarily poor judgment in starting field burns on federal land without permission, the Hammonds are not terrorists.

Other federal laws that carry five-year minimum sentences address treason, child pornography, using a gun while committing a violent crime or importing drugs.

Burning 140 acres does not compare with any of those crimes.

That's the danger when Congress decides to tell judges how to do their jobs. Judges must have latitude to use their judgment in deciding sentences that fit the crimes. That's the whole point of having judges.

When he originally sentenced the Hammonds, Hogan described five years in prison as cruel and unusual and said such sentences would "shock the conscience."

He was correct.

When people such as the Hammonds are caught in a net that was set for terrorists, justice is not well-served.

In hindsight, this case should have been settled before trial. It would have saved the public the enormous expense of a trial, appeal, resentencing and providing the Hammonds with room and board for five years at a federal prison.

And the Hammonds would now permanently be at home, where they belong.

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Unsigned editorials are the opinion of the East Oregonian editorial board of Publisher Kathryn Brown, Managing Editor Daniel Wattenburger, and Opinion Page Editor Tim Trainor. Other columns, letters and cartoons on this page express the opinions of the authors and not necessarily that of the East Oregonian.

OTHER VIEWS

Government should not decide executive compensation

The Bend Bulletin

The anti-coal crusaders at Renew Oregon have ballot measures in the works to make Oregon's large utility power coal-free by 2030.

Drives to make Oregon more green aren't new. But beyond coal, Renew Oregon sweetens one version of its initiatives for those longing to take a swipe at executive pay.

If the CEOs and CFOs of large electric utilities fail to meet the new standards, their total compensation gets scalped down to five times the annual Oregon median household income.

Renew Oregon told us they chose this new method of punishment because "it mirrors a common practice in business in which executives are paid according to performance."

Renew Oregon must be using a broken mirror. The common practice is that businesses, not the government, set performance standards for executives.

If the executives failed to meet the targets, they would indeed face dramatic cuts in salary. Oregon's median household income has been about

\$50,000, so five times that would be \$250,000. Patrick Reiten, president and CEO of Pacific Power in 2014, received \$1,513,927 in total compensation that year, according to documents filed with the Securities and Exchange Commission.

Who wouldn't like to swap compensation with someone making stratospheric money? But is resentment or jealousy a reason to allow new, unprecedented government interference in the salary structure of a private company? Nope.

Oregon's utilities already face fines and other punishment for failing to obey the law and the direction of the Oregon Public Utility Commission. Why is that insufficient?

Pacific Power and Portland General Electric have not been frequent lawbreakers. The commission told us it has not had to issue a penalty against either Pacific Power or PGE in the last 10 years.

Star talent gets rewarded in private industry. Is the talent always worth it? Maybe not. But the government should not be the one deciding.

If the CEOs and CFOs of large electric utilities fail to meet new standards, their total compensation gets scalped down.



OTHER VIEWS

A sensible version of Trump

The voters, especially on the Republican side, seem to be despising experience this year and are looking for outsiders. Hence we have the rise of Donald Trump and Ben Carson. People like me keep predicting that these implausibles will collapse, but so far, as someone tweeted, they keep collapsing upward.

But imagine if we had a sensible Trump in the race. Suppose there was some former general or business leader with impeccable outsider status but also a steady temperament, deep knowledge and good sense.

What would that person sound like? Maybe something like this:

Ladies and gentlemen, I'm no politician. I'm just a boring guy who knows how to run things. But I've been paying close attention and it seems to me that of all the problems that face the nation, two stand out. The first is that we have a polarized, dysfunctional, semi-corrupt political culture that prevents us from getting anything done. To reverse that gridlock we've got to find some policy area where there's a basis for bipartisan action.

The second big problem is that things are going badly for those in the lower half of the income distribution. People with less education are seeing their wages fall, their men drop out of the labor force, their marriage rates plummet and their social networks dissolve.

The first piece of good news is that conservative and progressive writers see this reality similarly, which is a rare thing these days. The second piece of good news is that we have new research that suggests fresh ways to address this problem, ways that may appeal to both Democrats and Republicans.

The studies I'm talking about were done at Harvard by Raj Chetty, Nathaniel Hendren and Lawrence Katz. They looked at the results of a Clinton-era program called Moving to Opportunity, which took poor families and moved them to middle-class neighborhoods. At first the results were disappointing. The families who moved didn't see their earnings rise. Their kids didn't do much better in school.

But as years went by and newer data accumulated, different and more promising results came in. Children who were raised in better environments had remarkable earnings gains. The girls raised in the better neighborhoods were more likely to marry and raise their own children in two-parent homes.

The first implication of this research is that neighborhood matters a lot. When we think about ways to improve the lot of the working class, it's insufficient to just help individuals and families. We have to improve entire neighborhoods.

Second, the research reminds us that to

improve conditions for the working class it's necessary to both create jobs and improve culture. Every time conservatives say culture plays a large role in limiting mobility, progressives accuse them of blaming the victim.

But this research shows the importance of environment. The younger the children were when they moved to these middle-class environments, the more their outcomes improved. It's likely they benefited from being in environments with

different norms, with more information about how to thrive, with few traumatic events down the block.

I know the professional politicians are going to want to continue their wars, but I see an opportunity: We launch a series of initiatives to create environments of opportunity in middle-, working- and lower-class neighborhoods.

I know the professional politicians are going to want to continue their wars, but I see an opportunity.

This will mean doing some things Republicans like. We've got to devolve a lot of power from Washington back to local communities. These neighborhoods can't thrive if they are not responsible for themselves. Then we've got to expand charter schools. The best charter schools radiate diverse but strong cultures of achievement. Locally administered social entrepreneurship funds

could help churches and other groups expand their influence.

This will mean doing some things Democrats like. We've got to reform and expand early childhood education programs, complete with wraparound programs for parents. They would turn into community hubs. Infrastructure programs could increase employment.

Basically we've got to get socialist. No, I don't mean the way Bernie Sanders is a socialist. He's a statist, not a socialist. I mean we have to put the quality of the social fabric at the center of our politics. And we've got to get personalist: to treat people as full human beings, not just economic units you fix by writing checks.

Then we've got to get integrationist, to integrate different races and classes through national service and school and relocation vouchers. And finally, we have to get a little moralistic. There are certain patterns of behavior, like marrying before you have kids and sticking around to parent the kids you conceive, that contribute to better communities.

Look, I don't know if I'm red or blue. If you want a true outsider, don't just pick someone outside the political system. Pick someone outside the rigid partisan mentalities that are the real problem here.

David Brooks became a New York Times Op-Ed columnist in September 2003.

YOUR VIEWS

Refugee crisis has many questions and few answers

When German Chancellor Angela Merkel spoke on CNN last week pleading with European nations to help with the immigration crisis, it was sad to learn of the conditions under which thousands of refugees are living. She revealed Germany is short of daily living resources for these refugees, including food, sanitation and, incredibly, water. Some refugee camps have more than 7,000 persons and every day Syrian refugees can be seen begging.

A CNN blog pictured 330,000 Somali living in tents and shacks in the desert of sand and heat with half-starved children, and young men committing rape and violence against women. The tent city stretched for miles. Where do they get food? What future do they have?

The United States has agreed to take thousands of these migrants. In this regard, people have asked, "How can we do this when we already have millions of illegal Mexicans in our nation?" Where is the justice in this matter? What can we do?

I can think of one thing: There are a lot

of young men in the refugee camps. Maybe we can send them back and help them fight for their country. In fact, Russia's President Vladimir Putin proposed the creation of an international coalition that would help the forces of the Syrian regime defeat ISIS; then he said, "There would be no need for setting up more refugee camps" (Time, October 26, 2015, p. 30).

But his gambit failed because the U.S. refuses to "bend on Syrian President Bashar Assad's role in Syria." Putin believes the West (United States) cannot defeat ISIS without help from Russia. But there is more to the political situation and Putin's foreign policy. The United States has no intent of accepting Russia's terms for a Syrian coalition.

Meanwhile, the war that has killed more than 200,000 people and caused some 800,000 refugees to be homeless continues. Nobel laureate for Literature Orhan Pamuk, of Istanbul, says it is a good sign Europe is taking in so many Muslims as it is learning multiculturalism. Think about that!

Finally, the question is, how many refugees has Russia taken in?

Dorcy C. Grover
Pendleton

LETTERS POLICY

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