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OUR VIEW

Clemency for the Hammonds, withdrawal for the protesters

The case of Dwight and Stephen Hammond is a tragedy, both because of what they did and how they have been treated since.

Ranchers in Oregon's Harney County, father and son have a long history of disputes with the Bureau of Land Management over grazing allotments. Dwight Hammond was convicted of one count related to a fire that burned 139 acres of BLM land in 2006. Stephen Hammond was convicted of one count related to the 2006 fire, and a separate count related to a fire in 2001.

The Hammonds received a fair trial and were found guilty. Many believe they had just cause to start the fires and deserved no punishment even if they had technically broken the law. The jury in a Pendleton courtroom found otherwise, and the original trial court handed down fair, and lenient, sentences.

In addition to lengthy probation, Dwight Hammond received six months in prison, his son one year. The original prison sentences have been served.

But those sentences ignored the minimum mandatory five-year sentence prescribed by the federal arson statute. The government appealed, the sentences were overturned and the trial court ordered the Hammonds to serve out the remainder of new five-year sentences.

We are not fans of mandatory sentencing guidelines that deny judges discretion in considering circumstances when fixing punishment. Resentencing the Hammonds to serve the five-year mandatory sentence, though unquestionably legal under statute, was an injustice.

The Hammonds have reported to prison. They intend to ask President Obama for clemency.

We think they should receive it.

In recent months the president has moved to free federal prisoners convicted of drug charges and serving lengthy mandatory sentences that he has deemed unjust and overly punitive given the circumstances of their crimes.

That's the same standard the original trial judge used in the case of the Hammonds. The punishment does not fit the crime.

Mr. President, free the Hammonds.

Meanwhile, back in Harney County, armed protesters who failed to provoke a shooting war with federal agents during a standoff at a ranch in Nevada have brought their show to Southern Oregon. Local

residents are largely rebuffing their militancy.

So should the rest of rural America.

We struggle to understand what they hope to accomplish. Their action does nothing for the Hammonds, the ranchers they allegedly came to town to support. Their stated goal of holding their position until the federal government returns the land to private ownership is at best a delusional hope, and does nothing to resolve the real issues.

This desperate action allows critics to describe these complaints to urban America as the farcical rants of armed militia, dubbed "yeehadists" by CNN.

The federal government holds title to massive parcels of public lands throughout the West. That's been settled law for a

hundred years. Many would like that land turned over to the states, as was the case with much of the federal land east of the Rockies.

The real question is how that land should be managed and how grazing and natural resource extraction will remain viable and part of the multiple use doctrine that historically governed public lands.

Government policy once fostered the timber, livestock and mining industries that became the economic lifeblood of rural Western communities. Current policy — the result of environmental lawsuits and regulatory and legislative changes — is largely responsible for draining that lifeblood.

We understand the protesters' frustration with the federal government. We recognize their right to peacefully protest and lawfully exercise their Second Amendment rights.

But we disagree with their interpretations of the Constitution and these tactics.

The remedy to these grievances will not come from armed confrontation, or other extralegal means justified by specious constitutional theories.

Instead, we trust the tools provided by the Founders — the ballot box, the legislative process, the courts.

The constraints on ranchers, timbermen and miners are real. Any hope of getting a legislative solution that accommodates both conservation goals and traditional livelihoods will require reasoned debate and the empathy of urban voters and legislators.

The armed occupation of a lonely federal wildlife refuge in the wilds of Oregon will only hurt that effort.

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OTHER VIEWS

The world of small terrors

On New Year's Eve some friends and family members had a drink at a bar in Tel Aviv. The next day a gunman shot up the place, killing two people and wounding at least five. When I heard about the shooting I was horrified, of course, but there was no special emotion caused by the proximity 16 hours before.

These days, we all live at risk of random terror, whether we are in Paris, San Bernardino, Boston or Fort Hood. Many of us have had brushes with these sorts of attacks. It's partly randomness that determines whether you happen to be in the wrong spot at the wrong time.

But there is something important about the accumulation of these random killing sprees — the way it affects the social psychology and the culture we all inhabit. We are living in the age of small terror.

In Israel, there's the wave of stabbings. In this country we have shooting sprees in schools and in theaters. In cities there are police killings. In other places there are suicide bombings. This violence is the daily diet of the global news channels.

Many of the attacks have religious or political overtones. But there's always a psychological element, too. Some young adults have separated from their parents but they have not developed an independent self of their own. In order to escape the terror of their own formlessness or insignificance, a few commit to some fanatical belief system. They perform some horrific act they believe will give their life shape, meaning and glory. Creeds like radical Islam offer the illusion that murder and self-annihilation is the noblest form of sacrifice.

These self-motivated attacks have become a worldwide social contagion. These diverse acts of small terror have combined to create a general state of anxiety.

Fear is an emotion directed at a specific threat, but anxiety is an unfocused corrosive uneasiness. In the age of small terror this anxiety induces a sense that the basic systems of authority are not working, that those in charge are not keeping people safe.

People are more likely to have a background sense that life is nastier and more precarious — red in tooth and claw. They pull in the tribal walls and distrust the outsider. This anxiety makes everybody a little less humane.

In country after country this anxiety is challenging the liberal order. I mean philosophic Enlightenment liberalism, not partisan liberalism. It's the basic belief in open society, free speech, egalitarianism and meliorism (gradual progress). It's a belief that through reasoned conversation values cohere and fanaticism recedes. It's the belief that people of all creeds merit tolerance and respect.



DAVID BROOKS
Comment

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These liberal assumptions have been challenged from the top for years — by dictators. But now they are challenged from the bottom, by populist anti-liberals who support the National Front in France, UKIP in Britain, Viktor Orban in Hungary, Vladimir Putin in Russia and, in some guises, Donald Trump in the U.S.

The surge of anti-liberalism has meant one of the most important political fissures is now between those who support an open society and those who support a closed society. Back in the 1990s, openness and the withering of borders was all the rage, but now parts of the left embrace closed trade policies and parts of the right embrace closed cultural and migration policies.

Anti-liberalism has been most noticeable on the right. Classically liberal conservatives are in retreat, as voters look for strongmen who will close borders and stultify the demographic and social fabric. It's too soon to tell if the Republican Party will have fewer evangelical voters this year, but the tenor of debate has certainly been less Christian — less charitable, less hospitable to the stranger.

It's up to us who believe in open society to wage an intellectual counterattack. This can't be done by repeating 1990s bromides about free choice and the natural harmony among peoples. You can't beat moral fanaticism with weak tea moral relativism.

You can only beat it with commitment pluralism. People are only fulfilled when they make deep moral commitments. The danger comes when they are fanatically and monopolistically committed to only one thing.

The pluralist is committed to a philosophy or faith, but also to an ethnicity and also to a city, and also to a job and also to diverse interests and fascinating foreign cultures. These different commitments balance and moderate one another. A life in diverse worlds with diverse people weaves together into one humane, multifaceted existence. The rigidity of one belief system is forced to confront the messiness of work relationships or a neighborhood association.

The anxiety caused by small terror can produce nasty mental habits. Mental resilience becomes as important as physical resilience. That means remaking the case for open society, open cultures and a basic commitment to moral pluralism. Openness is worth the occasional horror fanatics cause.

David Brooks's column on the Op-Ed page of *The New York Times* started in September 2003. He has been a senior editor at *The Weekly Standard*, a contributing editor at *Newsweek* and the *Atlantic Monthly*, and he is currently a commentator on "The Newshour with Jim Lehrer."

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