

Staff photo by E.J. Harris

Ron Martin sings freedom songs at the Great Pacific Wine and Coffee Co. on Monday in Pendleton.

PENDLETON: 'One of the best ways for people to come together is music'

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"Our lives begin the end of the day we become silent about things that matter," Young quoted.

"Tonight," Young said, "we're not going to be silent."

More than a dozen musicians divided up the night, sharing freedom songs written around the time of King's death. Georgina Johnson, a local soul and gospel singer, belted out "We Shall Not Be Moved" with Dan Haug who strummed his guitar and Margaret Mayer punctuated the song by thumping her guitar's wooden body in rhythm.

"One of the best ways for people to come together is music," said Mayer, who teaches music at Blue Mountain Community College.

Johnson welcomed her chance to honor King.

"He was the one who brought everyone together," Johnson said. "His steps made history for others. He wanted peace. He wanted unity."

Melissa Woodbury shared memories of being caught up in King's orb as she helped plan for the Poor People's March on Washington in 1968. The rally to get economic justice for poor Americans was to be headed by King, but an assassin's bullet cut him down one month prior. Woodbury and her husband Ron lived in D.C. and had volunteered with the national organizing committee to do some of the nuts-and-bolts work.

"It was nothing romantic," she said. "It was, where do we put the porta-potties and where

should the buses park?"

On the day of King's death a neighbor popped his head in the door and gave them the devastating news.

"They got King," he told the couple.

Riots broke out as the news shot around the city.

"We looked out and saw smoke rising in north-east Washington as the fires started," Woodbury recalled.

The Woodburys had also lived in another place King led rallies — St. Augustine, Florida. It was in St. Augustine where black protesters staged a sit-in at the lunch counter at Woolworth's. King himself was arrested in the city in 1964 during a protest.

"It was in St. Augustine where MLK led marches and had to sleep in a different house every night," Woodbury said. "One house where he was thought to be burned to the ground. Another had bullet holes. He got up every day knowing it might be his last."

The end came on April 4, 1968. King was fatally shot as he stood on a balcony at a motel in Memphis, Tennessee.

"He was able to carry on through it all his philosophy of non-violence and passive resistance," Woodbury said. "His courage and his dedication change this country."

She raised a glass and asked everyone else to do the same.

"To Dr. King."

From the back of the room came a loud, "Amen."

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COUNTY: Board will consider revising contract with Susan Bower

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the meeting also will hold the first hearing to allow public comments on the proposal to form Umatilla County Fire District No. 1, a merger of the Hermiston and Stanfield fire districts.

The board plans to hold the final public hearing on the proposal Wednesday, Feb. 17 at 9 a.m., also at the county courthouse, Pendleton. After that, the board can approve the matter for the voting ballot.

And among other issues, the board will consider approving the final recommendation to the Bureau of Land Management for the Boardman to Hemingway Transmission Line Project. You can learn more about

that here.

And the board will consider revising its contract with Susan Bower, who has provided professional and human resource development to the county.

According to agreement, the county would pay her \$4,783.33 per month for professional and human resource programming from Jan. 1, 2016 to June 30, 2017, and also pay her \$2,050 per month during the same period as an economic development consultant.

You can view the full meeting agenda here: www.co.umatilla.or.us.

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HERMISTON: 'They suffered injustice and indignity so we could sit here today'

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at that."

Pressing the theme of contributing one's best to the world in every circumstance, Rome quoted King:

"If a man is called to be a street sweeper, he should sweep streets even as a Michaelangelo painted, or Beethoven composed music or Shakespeare wrote poetry. He should sweep streets so well that all the hosts of heaven and earth will pause to say, 'Here lived a great street sweeper who did his job well.'"

She urged everyone in attendance to follow King's words by doing their best to build up their own community.

Other speakers at Monday's ceremony also spoke of King's devotion to making the world a better place.

Jody Frost said she was a little girl growing up in Hermiston during the civil rights movement. At the time she didn't really understand what all of the fuss was about, she said, but today she can appreciate the sacrifices King and his contemporaries made so that when she marched down the streets of Hermiston on Monday with people of various races she didn't have to wonder if she was going to be shot, beaten or spit upon.

"We reap the benefits today," she said. "They



Staff photo by E.J. Harris

The "Star-Spangled Banner" is sung during a celebration of Martin Luther King Jr. Day on Monday in Hermiston.

suffered injustice and indignity so we could sit here today."

Robert Davis said he was glad to see so many children participate in the peace walk and ceremony, learning the lessons of tolerance so that history did not repeat itself.

"We have a brighter future with the youth involved," he said.

The event was sponsored by Hermiston's Black International Awareness Club, which began in 1999.

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Staff photo by E.J. Harris

Rose Johnsongale of Umatilla leads a group of marchers in singing "Lift Every Voice and Sing" by James W. Johnson on Monday before beginning a march to honor Martin Luther King Jr. Day in Hermiston.

STANDOFF: Dwight Hammond was sentenced to three months in prison

Continued from 1A

Did prosecutors renege on a deal not to appeal the original sentence?

Whether you consider the Hammonds heroes or criminals, their collision with the federal justice system offers a cautionary tale of federal power and the mounting controversy over mandatory minimum sentences. A national groundswell of critics, including President Barack Obama and even former Attorney General Eric Holder, has surfaced in recent years claiming mandatory minimums lead to unduly harsh sentences that have disproportionately impacted young black and Latino men.

In this case, the sentences went to the two Oregon ranchers, Dwight, age 74 and Steven, age 49. Even Frank Papagni Jr., the assistant U.S. Attorney leading the Hammond prosecution, repeatedly voiced misgivings about the severity of a five-year sentence. But once the trial began, he offered no concessions, nor did his colleagues who handled the subsequent appeal.

"If they had qualms, I'm disappointed they fought so hard for five years, all the way to the Supreme Court," said Jacon Taylor, Steven Hammond's nephew, who testified at the trial. "In the end, the result was devastating to the Hammonds."

A prosecutors' weapons

Two decades of mounting ill will between the Hammonds and federal bureaucrats over how best to manage their adjacent rangeland erupted into something far more serious in June 2010. Federal prosecutors charged the ranchers with multiple counts of arson, conspiracy and other charges.

Prosecutors chose to file a specific type of arson under a 1996 statute passed by Congress in the wake of the Oklahoma City bombing. The Antiterrorism and Effective Death Penalty Act gave law enforcement and government lawyers a panoply of new tools to fight terrorism, including a tough new five-year mandatory minimum sentence for arson.

Prosecutors had other charging options that carried much lighter penalties. Another statute — 18 U.S. Code 1855 — prohibits setting ablaze "any timber, underbrush, or grass" in the public domain. The Hammonds could have gotten off with as little as probation and fines if convicted.

"The real decision point

happened at the charging phase — that's what brought with it the five year mandatory minimum," said Kevin Sali, a Portland criminal defense attorney. "Look at the statute's legislative history. Clearly, this was intended primarily to fight terrorism. You won't see any mention of ranchers burning brush."

The U.S. Attorney's office in Portland declined to comment on its charging decision.

The Justice Department's own manual is ambivalent. It calls for prosecutors to seek "the most serious offense" that carries with it the maximum penalty. But the manual also urges prosecutors to ensure the sentence is "proportional to the seriousness of the defendant's conduct."

Per Olson, another prominent Portland criminal defense attorney, said it's become commonplace for prosecutors to use the threat of a stricter sentence as a negotiating tool. "Their ability to use those mandatory minimums to coerce someone into pleading to something is quite powerful," Olson said. "Obviously, the Hammonds didn't bite. They wouldn't plead."

Case goes to trial

The Hammonds had the financial wherewithal to hire top-flight criminal defense lawyers — Larry Matasar and the late Marc Blackman. The two sides were soon talking about a deal.

Kelly Zusman, an assistant U.S. Attorney in Portland who handled the subsequent Hammond appeal, said the characterization of the government as too stiff necked to negotiate is simply wrong. Before the trial got under way, she said, prosecutors offered to reduce the charges that would have likely reduced the prison term to well below five years.

"The government made offers to these guys," Zusman said. "They could have pleaded to lesser offenses. But they had to give something up. Their position was: take it to trial. We're going to win. We haven't done anything wrong."

Eight days into the trial, it was clear the jury disagreed.

Near midnight on June 21, jurors sent a note to Hogan saying they had rejected some of the claims against the Hammonds and were hopelessly split on most of the others. But they were unanimous in agreeing the ranchers were guilty of two counts of arson.

Hogan then did what he has become famous for in

Oregon legal circles: He brokered a deal.

He convinced the parties to accept the guilty verdict on the two arson counts and throw out the rest of the charges. The Hammonds agreed to give up their appeal rights, according to court documents. As far as the Hammonds were concerned, they and the government had agreed to a permanent ceasefire that would put the final sentencing decision in Hogan's hands.

Papagni, the prosecutor, accepted the partial verdict, according to court documents. But as events would soon show, the Hammonds and the government had vastly different ideas about the fine points of their 11th hour accord.

Hogan's bombshell

The sentencing was originally scheduled for December 2012. But Hogan rescheduled it to Oct. 30. After nearly four decades on the bench, he was retiring on Oct. 31. He wanted the Hammond sentencing to be his last official act.

By the prosecutors' reckoning, federal guidelines called for a 33- to 41-month sentence for Steven Hammond and six months or less for his father. But in this case, the five-year mandatory minimum trumped the normal sentencing guidelines.

Papagni clearly was uncomfortable with the severity of the sentence the government demanded.

"Perhaps the best argu-

ment, Judge, the defendants have in this case is the proportionality of what they did to what their sentence is," Papagni said at the sentencing hearing. "Perhaps that's the most troubling for the court. It is for the prosecutor who tried the case. That being said, I have done my job as I see it."


True to form, Hogan's parting shot was memorable. Five years was out of line, he ruled, a violation of the Eighth Amendment ban on cruel and unusual punishment.

"I will impose a sentence that I believe is defensible under the law but also one that is defensible to my conscience," he said. "I am not going to apply the mandatory minimum (which) would result in a sentence grossly disproportionate to the severity of the offenses here."

Instead, Hogan sentenced Steven Hammond, then 46, to a year and a day in prison and Dwight Hammond, then 70, to just three months.

Hogan took a jab at the prosecutors, saying controlled burns in the "wilderness" of the Eastern Oregon desert was not the kind of arson Congress had in mind when it ramped up penalties for arson as part of the antiterrorism statute.

Furious Justice Department officials vowed to appeal. Defense lawyers protested, reminding the government they had waived their right to appeal. The government denied it had ever made such a pledge and charged ahead.



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