

MALHEUR NATIONAL WILDLIFE REFUGE STANDOFF TRIAL

Jury selection begins on first day of trial

By **AMANDA PEACHER** and **CONRAD WILSON**
Oregon Public Broadcasting

The federal trial for seven of the occupiers of the Malheur National Wildlife Refuge began Wednesday in Portland. A handful of occupation supporters and opponents showed up to watch the first-day proceedings, which were focused on jury selection.

U.S. District Court Judge Anna Brown welcomed 31 potential jurors into the courtroom saying the jury process has worked for hundreds of years because "people come with common sense and experience." Brown stressed to the potential jurors that the defendants were presumed innocent, and the burden was on the government to prove the cases beyond a reasonable doubt. She also said the case could last nine weeks or longer.

Brown also reviewed the

charges with jurors. Federal prosecutors say the defendants — including Ammon Bundy, the leader of the 41-day long occupation — conspired to impede federal workers from doing their jobs at the refuge by force, intimidation and threats.

Brown asked jurors whether they had any thoughts about the Church of Jesus Christ of Latter-day Saints. Several of the defendants are members of the Mormon church.

"I don't want to offend anyone," said a juror, only identified as Juror 3. "I'm not particularly fond of that religion in general."

Another juror, Juror 10, said he had been affiliated with the Mormon faith for his entire life.

One by one, Brown also asked jurors about their exposure to the case through the media.

"I'm not a news person," said Juror 8, who said she was from

Hood River. "I live in world of art. I could care less what happens in the rest of the world."

Juror 17 said she heard news on the radio about the occupation.

"I feel like I can be impartial," she said.

Many jurors said they were "excited" about potentially serving as one of the 12 trial jurors or eight alternate jurors in the case. One woman said her boss told her the juror summons was a "golden ticket." It was also clear that this group of potential jurors were from all over the state: retirees from Salem, a rancher from Madras and, of course, people from Portland. The jurors were of all ages but mostly white.

The judge is taking input from prosecutors and defense attorneys, who are able to email her questions during jury selection. Four additional groups of 30 jurors will be interviewed Thursday and Friday.

Security at the courthouse was tighter than at past proceedings. Before potential jurors entered the courtroom, attorney Marcus Mumford, who's representing Ammon Bundy, said the heavy presence was prejudicial to the defendants because jurors may infer there's a risk caused by the defendants.

Brown justified the heavy presence to Mumford, telling him "our lives have been threatened."

Mumford asked if the threats had come from the defendants or their associates. Brown said she didn't know where they came from but agreed to ask jurors whether the police presence at the courthouse was tainting their view of the defendants.

"I'm not telling the (U.S.) Marshals how to do their job," Brown said. "They're required to protect everyone coming in and out of this building."

\$1.4B timber lawsuit survives state's motion to dismiss

By **MATEUSZ PERKOWSKI**
Capital Bureau

ALBANY, Ore. — A judge has denied the State of Oregon's motions to dismiss a lawsuit by Linn County that seeks \$1.4 billion over state forest management practices.

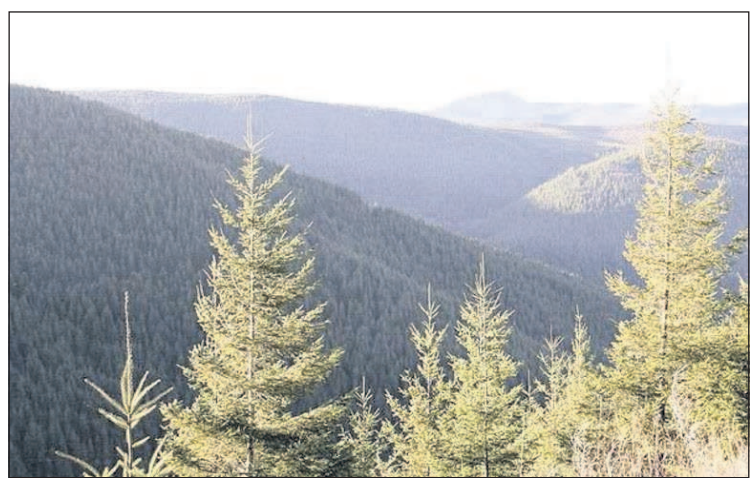
Linn County Circuit Judge Daniel Murphy also said he's inclined to certify the case as a class action — which would include other counties in the litigation — though he's postponed ruling on that matter.

According to Linn County's lawsuit, filed earlier this year, insufficient logging on state-owned forestland has cost 15 counties more than \$1.4 billion.

The complaint claims the counties turned over ownership of forestlands to the state in the early 20th Century with the expectation that it would maximize timber revenues, but since 1998, forest managers have instead prioritized wildlife habitat, water quality and recreation values.

More than 650,000 acres were donated to the state by Benton, Clackamas, Clatsop, Columbia, Coos, Douglas, Josephine, Klamath, Lane, Lincoln, Linn, Marion, Polk, Tillamook and Washington counties.

In his ruling, Murphy rejected arguments by the state's attorneys



EO Media Group file photo

Linn County is suing the state over how it manages Oregon Forest Trust Lands. The suit, filed on behalf of 15 counties that donated timberland to the state, seeks \$1.4B in lost revenues.

that he lacks jurisdiction over the case and that Linn County's pleadings were insufficient for the lawsuit to move forward.

According to the Sept. 6 ruling, the judge "could only dismiss this claim now if the court could find it impossible for the plaintiff to prove the claim and thereby prove that best grazing and forest management practices/greatest permanent value at the time the contract was entered into included the maximization of revenue."

Without "reciting in detail the court's reasoning," Murphy also held that he believed the lawsuit meets the requirements for a

class action, but he agreed with Oregon's attorneys that ruling on the issue now would be premature.

If the lawsuit survives further motions, then it's "entirely appropriate and should go forward promptly" as a class action, he said.

During a hearing last month, Scott Kaplan, an attorney for the state, said the problems in managing the case as a class action would be "enormous."

The counties donated 183 separate parcels to the state, each of which contains different slopes, tree types, waterways and federally protected species, he said.

Determining how much timber could have been generated from each parcel would devolve into 183 mini-trials, he said.

"How can we decide if revenue has been maximized on a particular parcel unless you consider all of those issues?" Kaplan said.

Linn County is also an inadequate representative of the other counties for multiple reasons, he said.

The litigation costs are currently being paid for by timber groups and lumber companies — the Oregon Forest & Industries Council, Sustainable Forests Fund, Stimson Lumber and Hampton Tree Farms.

Linn County is simply lending its name to a lawsuit that actually represents private interests, the state's attorneys argue.

"It's not a public interest case. It's a case to benefit one particular group," Kaplan said.

Unlike the counties, which appreciate tourism and other benefits from uses besides logging, the timber interests funding the lawsuit primarily want to change the state's "greatest permanent value" rules for forest management to emphasize harvesting, he said.

Much of the alleged damages are for lost future timber revenues, which may force the state to change its logging policies, he said.

BRIEFLY

Health authority requests major funding increase

EUGENE (AP) — The Oregon Health Authority is requesting a more than 50 percent increase in state funding next year as federal funding sources dry up.

The health authority is asking for \$3.33 billion from the 2017-19 general fund, up from the \$2.14 billion it was given in the last budget cycle, reported *The Register-Guard*.

The authority administers most of Oregon's government-funded health programs, including Medicaid, the Oregon State Hospital, psychiatric and drug treatment programs and the public health division.

The large budget request is meant to cover costs after two major federal funding sources end next year.

A five-year waiver from the federal government is expiring next year. The program provided \$2 billion to help Oregon support its Medicaid expansion, the Oregon Health Plan. Officials have applied for an extension but built their initial budget assuming it won't come through.

The federal government is also shifting some of the cost of the Affordable Care Act's Medicaid expansion to states in 2017. The government picked up the entire tab in the first three years. The policy made more low-income people eligible for government-paid health insurance beginning in 2014.

Under the funding shift, Oregon will have to pay for 5 percent of the cost of the expansion in 2017. The state's share will then increase every year until 2020, when it stops at 10 percent.

Oregon Board of Forestry names new State Forester

SALEM (AP) — The Oregon Board of Forestry has selected a new State Forester.

Peter Daugherty currently heads the Oregon Department of Forestry's private forests division.

He will replace outgoing State Forester Doug Decker, who retires next month at the end of the wildfire season.

Daugherty will be the state's 13th State Forester since the agency was created in 1911.

The Board of Forestry is made up of seven appointees who set management direction for state-owned forests, adopt rules governing timber harvest on private forestland and promote sustainable management of Oregon's 30 million acres of forest.

Corrections

The *East Oregonian* works hard to be accurate and sincerely regrets any errors. If you notice a mistake in the paper, please call 541-966-0818.

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AccuWeather.com Forecast

TODAY	FRIDAY	SATURDAY	SUNDAY	MONDAY
Mostly sunny	Mostly sunny and pleasant	Sunny	Mostly sunny and cooler	Comfortable with plenty of sun
76° 43°	77° 48°	88° 55°	74° 43°	74° 41°
PENDLETON TEMPERATURE FORECAST				
81° 43°	80° 43°	89° 58°	78° 45°	79° 42°
HERMISTON TEMPERATURE FORECAST				
81° 43°	80° 43°	89° 58°	78° 45°	79° 42°

ALMANAC

PENDLETON

through 3 p.m. yesterday

TEMPERATURE

HIGH LOW

Yesterday 75° 54°

Normals 81° 52°

Records 100° (1932) 32° (1910)

PRECIPITATION

24 hours ending 3 p.m. 0.00"

Month to date 0.35"

Normal month to date 0.11"

Year to date 7.74"

Last year to date 5.66"

Normal year to date 8.53"

HERMISTON

through 3 p.m. yesterday

TEMPERATURE

HIGH LOW

Yesterday 78° 57°

Normals 82° 51°

Records 101° (1955) 32° (1929)

PRECIPITATION

24 hours ending 3 p.m. 0.00"

Month to date 0.41"

Normal month to date 0.08"

Year to date 5.40"

Last year to date 3.43"

Normal year to date 6.23"

SUN AND MOON

Sunrise today 6:25 a.m.

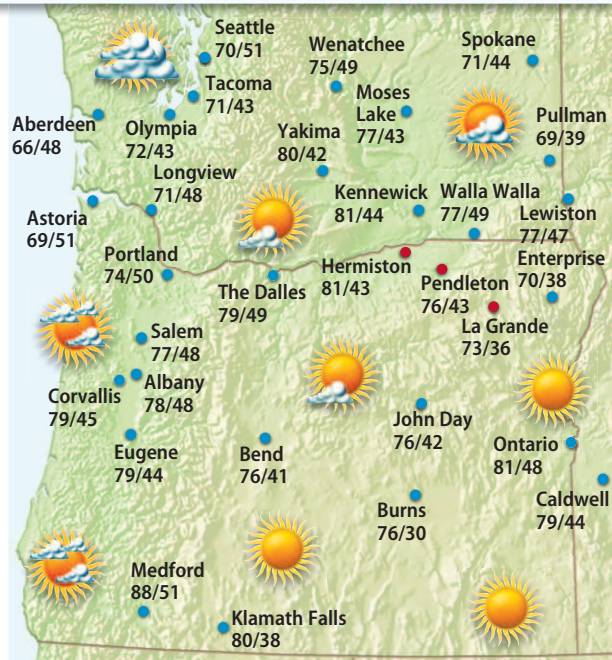
Sunset tonight 7:19 p.m.

Moonrise today 1:28 p.m.

Moonset today 11:20 p.m.

First Full Last New

Sep 9 Sep 16 Sep 23 Sep 30



REGIONAL FORECAST

Coastal Oregon: Clouds breaking for some sun today; a shower in spots across the north.

Eastern and Central Oregon: Mostly sunny and nice today. Clear tonight. Sunny and nice tomorrow.

Western Washington: Clouds breaking for some sun today, except mostly cloudy at the coast.

Eastern Washington: Partly sunny today. Clear tonight.

Cascades: Mostly sunny today; pleasant tonight, but partly cloudy across the north.

Northern California: Partly sunny at the coast today; sunny elsewhere.

REGIONAL CITIES

	Today			Fri.		
	Hi	Lo	W	Hi	Lo	W
Astoria	69	51	pc	74	54	pc
Baker City	74	30	pc	74	30	s
Bend	76	41	s	77	42	s
Brookings	71	52	pc	73	52	pc
Burns	76	30	s	76	32	s
Enterprise	70	38	pc	73	40	s
Eugene	79	44	pc	84	47	pc
Heppner	74	38	s	76	41	s
Hermiston	81	43	s	80	43	s
John Day	76	42	s	80	48	s
Klamath Falls	80	38	s	83	38	s
La Grande	73	36	pc	75	36	s
Meacham	70	33	pc	72	36	s
Medford	88	51	s	94	52	s
Newport	63	47	pc	65	49	pc
North Bend	68	50	pc	68	51	pc
Ontario	81	48	s	79	43	s
Pasco	80	44	s	78	44	s
Pendleton	76	43	s	77	48	s
Portland	74	50	pc	81	54	pc
Redmond	78	34	s	80	37	s
Salem	77	48	pc	83	52	pc
Spokane	71	44	pc	73	48	s
Ukiah	70	35	s	74	38	s
Vancouver	72	47	pc	81	51	pc
Walla Walla	77	49	pc	78	53	s
Yakima	80	42	s	79	44	pc

WORLD CITIES

	Today			Fri.		
	Hi	Lo	W	Hi	Lo	W
Beijing	89	61	s	90	65	pc
Hong Kong	86	81	t	88	80	sh
Jerusalem	83	67	s	86	69	s
London	74	60	s	72	62	pc
Mexico City	75	49	pc	74	51	pc
Moscow	63	50	pc	59	46	c
Paris	78	52	s			