

Judge denies motion by Ammon Bundy’s lawyer for mistrial

Facebook messages used as evidence

OPB

During the trial of the Malheur refuge occupiers, Judge Anna Brown denied Ammon Bundy’s attorney Marcus Mumford’s motion for a mistrial.

Brown also denied his request to give instructions to the jury identifying the government’s witnesses as biased.

Mumford argued that two of the government’s witnesses introduced information that was prejudicial against his client and that it was not admissible and hadn’t responded to the questions he’d posed.

But Judge Brown ruled that Mumford’s cross examination questions were sometimes confusing or unclear and that the witnesses had just been responding to questions he’d asked.

The government called Bureau of Land Management Special Agent Jason Curry to testify, who described surveillance video that showed Kenneth Medenbach, Ryan Bundy and two unidentified people attaching signs to the BLM office in Hines near Burns.

The signs said that the office was closed permanently.

Earlier Friday, prosecutors introduced a considerable amount of evidence from Facebook.

That evidence included more than 300,000 pages that included videos, photos and private and public messages involving the defendants.

The most interesting evidence came in the form of private Facebook messages

Ammon Bundy exchanged with others.

In one example, activist Gavin Seim messaged Ammon Bundy saying, “I’m getting conflicting messages on the 2nd. On the one hand it’s being called a rally and protest. On the other hand it’s being called a call to action. Can you clarify that?”

Ammon Bundy replied, “I would never show up to a rally without my arms.”

In a second exchange, Brandon Thomas wrote to Bundy, “I am seeing a contradiction.”

Thomas explained that some patriot groups were saying that the meeting was just a protest or a rally and others were advertising it as a call to action.

“I think you ought to make it more clear, that people should not take this as a green light to stand against the feds like was done at your family’s ranch,” Thomas wrote.

In response to that message, Ammon Bundy responded, “It is much more than a protest.”

Finally, in a private Facebook message to Jason Blomgren, Bundy said, “Everything is here to make a stand, the facility and the food are good.”

The government used the evidence to try to push back against the defense argument that this was merely a protest and it’s protected as freedom of speech.

At the start of the day, prosecutors and the defense reached a surprise agreement to limit testimony related to the 2014 Bunkerville standoff at Cliven Bundy’s ranch in Nevada.

The government agreed not to call a witness they were planning to use to lay out what happened in the

Nevada standoff. Cliven Bundy’s sons, Ammon and Ryan, are on trial in Portland for their participation in the Malheur occupation.

Defense attorneys asked Judge Brown to clarify for the jurors that three of

the defendants, David Fry, Kenneth Medenbach and Jeff Banta, were not present at the Bunkerville standoff.

The government called Jeffrey Rose, the BLM district manager for Harney County, to testify. He

described his decision to close the BLM office in Hines for more than a month.

Rose said he reached that decision after seeing videos posted online calling for people to come to town, and after watching many armed

men arrive in the Burns area.

The prosecution said next week they plan to call employees of the Malheur National Wildlife Refuge to testify. They expect their case could rest by the end of September.

Legislature could reimburse schools for lead testing

By **PARIS ACHEN**
Capital Bureau

SALEM—Oregon public schools could be reimbursed for the cost of testing for lead in campus drinking water, under a proposal lawmakers will consider Sept. 23.

The proposal sets up a fund administered by the Oregon Department of Education. School districts could submit invoices to request reimbursement for costs associated with lead testing between March and December of this year.

The Legislative Fiscal Office has recommended that the Emergency Board approve the \$5 million as a placeholder until state education officials gain a better sense of how much school districts will request for reimbursement.

The education department could submit a revised financial request to the emergency board in December, if requests exceed \$5 million, said Doug Wilson, a legislative fiscal analyst.

“It’s really a signal to districts that we are putting money aside for lead testing,” Wilson said of the recommendation.

The Oregon Association of School Business Officials conducted a survey of school districts this summer to try to estimate the cost of testing. About 100 districts, representing about half of the state student population, responded. The \$5 million figure is roughly based on those districts’ responses, Wilson said.

That amount equates to about \$35 for each lab test, including testing and a small amount to defray the cost of collection, he said. The amount doesn’t account for any expenses associated with mitigation of lead contamination.

Some larger school districts such as Portland and Beaverton used contractors to take water samples, which drove up the cost of testing, Wilson said.

Lawmakers pledged to provide some kind of financial assistance to districts

after the Oregon Health Authority and the education department last summer asked districts to test for lead in school water supplies. The agencies recommended that schools identify sources of lead, stop access, communicate results to staff, students, parents and the community and mitigate and repair the problem.

The request for testing followed widespread media coverage of a scandal in Portland Public Schools over lead in drinking water that went unreported.

In August, the state Board of Education — at the behest of Gov. Kate Brown — approved a rule that requires school districts to submit a plan for testing for lead in water and other toxins in school environments and to report any results to the public, but the rule doesn’t require actual testing.

State agencies, including the education department and the Oregon Health Authority, have no authority to force school districts to test for lead in water, but that could change next year. Lawmakers are considering legislation during the 2017 session that would require districts to test for lead in water and possibly other toxins, said Sen. Michael Dembrow, D-Portland. Dembrow and Rep. Alissa Keny-Guyer, D-Portland, spearheaded legislation in 2015 that required districts to test for radon.

“At that time, we focused on radon because to be honest, we assumed there was testing already happening for lead and other things, but radon seemed like something people were just beginning to become familiar with.”

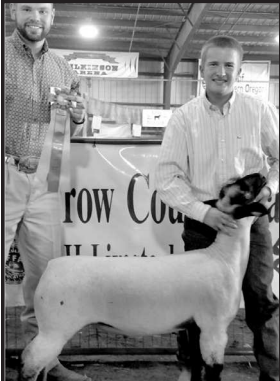
“As we come to a better understanding of the multiple toxins in schools, we need to expand that,” he added.

New York recently enacted a law requiring schools to test for lead by the end of October, report results to the public and develop a plan for reducing exposure to the toxin, the Oregon Legislative Fiscal Office reported.



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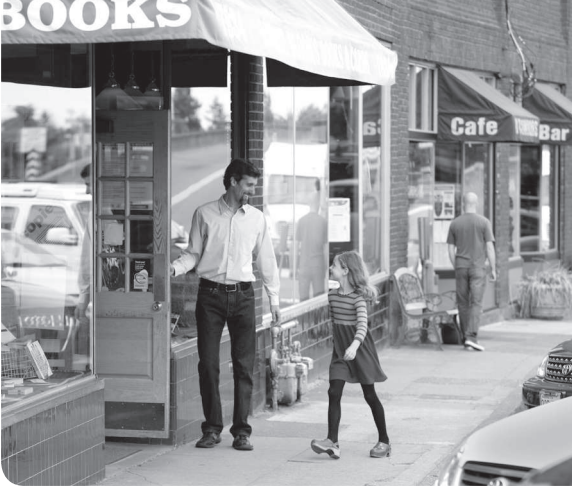
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