



# EAST OREGONIAN

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The pool inside of BMCC's McCrae Activity Center has been filled and is nearly ready to reopen at the beginning of November. Staff photo by E.J. Harris

## Staffer sues Rosenblum, employees for racial profiling

Johnson identified as 'threat to police' based on tweets

By **PARIS ACHEN**  
Capital Bureau

The Oregon Department of Justice's civil rights director is suing Attorney General Ellen Rosenblum and other department employees for subjecting him to racial profiling.

In a federal lawsuit filed Wednesday, Erious Johnson alleges DOJ special agents identified him as a "threat to police" based on a threat assessment performed with a software program that examined social media postings.

In addition to Rosenblum, the suit names as defendants Deputy Attorney General Frederick Boss, DOJ Chief Counsel Darin Tweedt, Special Agent in Charge David Kirby, and Special Agent James Williams.



Rosenblum

The lawsuit claims that in September 2015 Williams used a software program called Digital Stakeout to search terms, including the Twitter hashtag, "#blacklivesmatter," in the Salem area. That search produced an image of Johnson and prompted Williams to download Johnson's entire Twitter account, according to the lawsuit.

A post on Johnson's account containing lyrics to a rap song by Public Enemy and an image of the group's logo led Williams to believe Johnson presented a threat to police, the lawsuit states.

Williams shared his concerns

See **ROSENBLUM/8A**

## READY TO DIVE IN

### BMCC pool set to reopen in a week

By **KATHY ANEY**  
East Oregonian

The Blue Mountain Community College pool is once again filled with water.

When the pool was drained last spring, no one knew for sure if anyone ever would swim there again. Board members scrutinized the cost of repairing cracked concrete, an inefficient HVAC

system, waterlogged sheetrock and anemic pumps and considered shuttering the pool for good, possibly just locking the doors and walking away from the multi-million-dollar headache.

Problem was that three swim teams – Pendleton High School, Hermiston High School and the Pendleton Swim Association – practiced and competed at the pool. No pool, no swim season – at least

not without significant commuting to Tri-Cities or elsewhere.

The pool inside BMCC's McCrae Activity Center stayed bone-dry as community members fretted about having no venue for the three swim teams. Many attended a tour of the pool and brainstormed ideas for financing an overhaul. It seemed bleak. One community member, former PSA coach and swimmer Darcey

Ridgway, suggested dryly that everyone should go out and buy a lottery ticket.

Yesterday, however, the 25-meter-long pool had water. Electricians would finish installing motors to run the revamped ventilation system in the next day or so.

"We're on schedule to open on the first of November," said BMCC Vice-President of Administrative Services Tammie Parker. "The pool is filled and the water is being heated."

See **POOL/8A**

## Juror dismissed, replaced in standoff trial

Jury deliberations must start from beginning after former BLM worker declares bias

By **GILLIAN FLACCUS** and **STEVEN DUBOIS**  
Associated Press

PORTLAND — A judge overseeing the trial of Ammon Bundy and six others accused in the armed occupation of a federal wildlife refuge dismissed a juror Wednesday after his impartiality was questioned by a fellow juror.

U.S. District Judge Anna Brown replaced the juror with an alternate, and deliberations were placed on

hold until Thursday so the woman could travel from central Oregon.

Jurors who had been deliberating for days must start over, setting aside any conclusions they may have already drawn. The panel is now comprised of nine women and three men.

"It's a new jury, a new day, a new start," Brown said.

Bundy's defense attorney filed a court motion early Wednesday asking the judge to dismiss the juror. Lawyer Marcus Mumford said the

court had not adequately investigated concerns about the juror's impartiality that emerged Tuesday in a note sent to the judge by another juror.

Juror No. 4 wrote: "Can a juror, a former employee of the Bureau of Land Management, who opens their remarks in deliberations by stating 'I am very biased ...' be considered an impartial judge in this case?"

The juror in question, Juror No. 11, worked 20 years ago as a firefighter for the BLM.

The occupiers are charged

with conspiring to prevent BLM employees from doing their jobs at the Malheur National Wildlife Refuge in southeast Oregon.

The group seized the refuge Jan. 2 and held it for 41 days, protesting federal land policy and the imprisonment of two ranchers who clashed with the BLM.

During jury selection, the man said his past employment would not prejudice his views.

Brown questioned the man again Tuesday and ruled that he could

remain on the jury after she found that his views had not changed on his ability to remain impartial.

Brown switched her stance overnight, deciding the juror had to go.

She brought the entire jury into the courtroom and broke the news to Juror No. 11, who nodded but had little other reaction.

Mumford, who has repeatedly clashed with the judge during the trial, praised the decision outside the courtroom.

"I know that a lot of people think we have our differences, and I guess we do, but I will tell you she wants to get it right every time," Mumford said.

### PENDLETON

## Critics raise stink over odor ordinance

Claim ordinance too vague, marijuana smell subjective

By **ANTONIO SIERRA**  
East Oregonian

Although city officials have defended its necessity, others smell trouble in Pendleton's marijuana odor ordinance.

Pendleton attorney Will Perkinson hasn't been involved with any cases relating to the year-old city law, but he has defended clients who have been accused of violating marijuana laws and is a member of the National Organization for the Reform of Marijuana Laws' legal committee.

Perkinson said his main issue with

the ordinance is that it's too vague — the one-page ordinance doesn't differentiate between medical and recreational marijuana or properly establish the level of odor a marijuana smell would need to reach to be considered harmful.

Perkinson said it was unlike other nuisances like excessive noise, which has years of case law and measurable metrics that provide guidance for the creation and enforcement local ordinances.

The Pendleton City Council enacted the marijuana odor ordinance in June, one month before the drug became legal to grow and use in the state. The ordinance prohibited "unreasonable"

See **MARIJUANA/8A**



The smell of marijuana sparked a conflict between the owners of Elite Guns & Bows and next door neighbor Citadel Studios. The owner of Elite Guns & Bows filed a citation saying pot smoke from the adjacent building was migrating into the gun store. Staff photo by Kathy Aney

