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**OUR VIEW**



Beth Nakamura/The Oregonian via AP  
**Kelli Stewart, right, celebrates with Maureen Valdez outside the Mark O. Hatfield United States Courthouse after the leaders of an armed group who seized a national wildlife refuge in rural Oregon were acquitted Thursday in the 41-day standoff that brought new attention to a long-running dispute over control of federal lands in the U.S. West.**

# Feds fail to prove conspiracy theory

Last week, an Oregon jury made a stunning decision. They found seven occupiers of the Malheur Wildlife Refuge, on trial for conspiracy, not guilty.

Even Bundy supporters — the ones who said the U.S. court system was rigged and Judge Anna Brown was a government stooge — were surprised. They whooped and hollered and celebrated a momentous upset in a federal court of law.

But the celebration didn't last long. Ammon Bundy's attorney yelled at the judge, resisted federal marshals, was stunned with a Taser and arrested. It was a shocking end to a shocking case, one that (depending on your point of view) exemplified government overreaction to dissent, or the occupiers' unwillingness to respect the rule of law.

Now that the dust has cleared, we can talk briefly about the facts of the trial — what went wrong for the prosecution and what the defense did right. It seems clear, thanks to interviews with anonymous jurors, that no one in the jury box bought into the prosecution's arguments that the occupiers on trial had "conspired" to do anything.

Which raises the question, why did the government choose to level that charge? And why did the government not follow up its charge of "conspiracy to impede government workers" with the substantive "impeding government workers?" Those on trial freely admitted that they took over the refuge, and government workers were not able to do their jobs during the weeks-long occupation.

The conspiracy decision was an error, perhaps because of overconfidence of prosecutors that bordered on arrogance.

The Bundys and their defense teams were able to make long political arguments, which were

sometimes persuasive and sometimes not, yet were always imprinting on the jury that there were ulterior motives to the occupation. They showed that impeding government workers wasn't planned, it was just an extra little side effect of their protest.

Another problem with the government's case was presenting all seven defendants together. While a jury could have found some defendants guilty of one crime and others not guilty of the same crime, the trial tied all their fates more tightly together.

And we surely wouldn't have wanted to put David Fry, a mentally unstable young man who

only picked up a gun when he was considering self harm, behind bars for years. Perhaps sympathy for his plight rubbed off in a helpful way for the Bundys.

Yet some decisions remain head-scratchers.

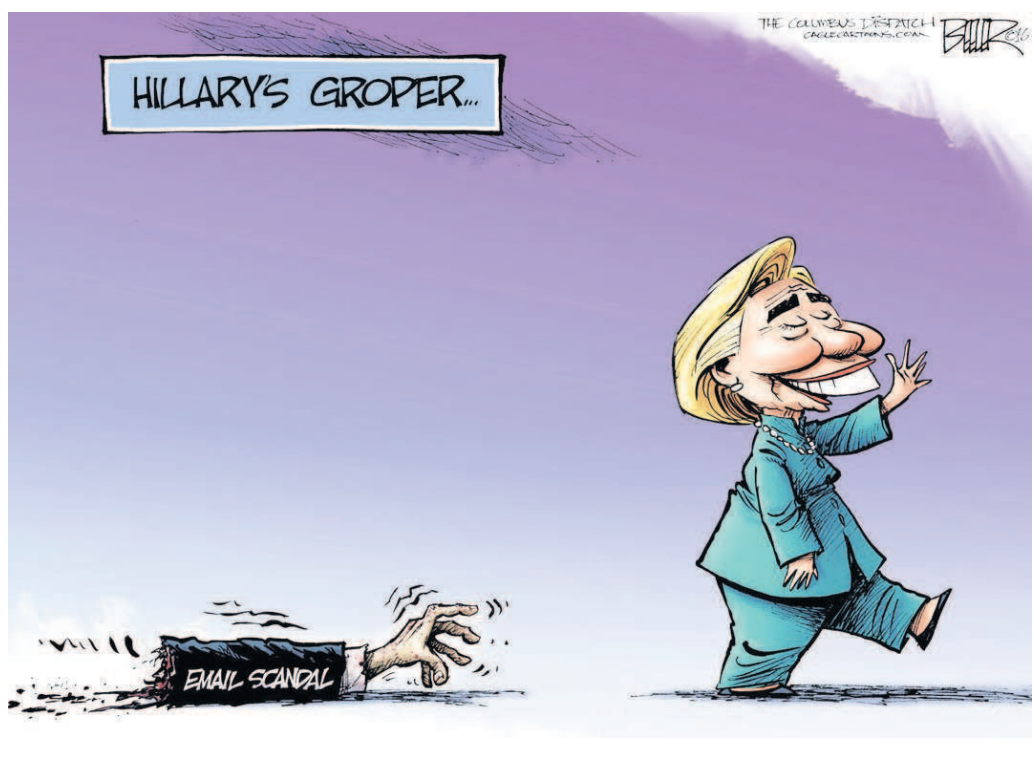
For instance, Ken Medenbach — arrested after driving a vehicle that did not belong to him — was found not guilty of theft. Can you imagine anyone, anywhere, being found behind the wheel of a stolen car and getting off scot-free?

It's clear who the winners and losers of this case were in the courtroom. But it's not so clear what the effect will be for those outside of it. What will it mean for federal employees in rural Oregon, for anti-government militias, for forest collaboratives, for Native protesters in the Dakotas, for the next occupation of federal land, be it in the middle of nowhere or in the middle of the National Mall?

That remains to be seen. But this will not be the last time you hear about the occupation trial and the verdict — it will reverberate in rural Oregon for some time.

**The end of the case exemplified government overreaction to dissent, or unwillingness to protect the rule of law, depending on your point of view.**

Unsigned editorials are the opinion of the East Oregonian editorial board of Publisher Kathryn Brown, Managing Editor Daniel Wattenburger, and Opinion Page Editor Tim Trainor. Other columns, letters and cartoons on this page express the opinions of the authors and not necessarily that of the East Oregonian.



**OTHER VIEWS**

## Trump's missed opportunity

CHARLOTTE, N.C. — Donna Ryan is a retired director of finance who describes herself as a political moderate and whose political hero is Ronald Reagan. She worries about the national debt, the threat from the Islamic State, and a decline in public morality hastened by social media. She doesn't believe the United States is particularly great now — she rates it at a six when asked to place the country's present condition on a one-to-ten greatness scale — and she would like to see an America that is "free and truly leading the world in everything, including morals."

Donna wanted to vote for Donald Trump. For much of the campaign, up until the summer's party conventions, she was drawn to the appeal of a businessman, and especially a non-politician, running for president. (She still has warm feelings for Ben Carson, whose candidacy she admired.) But she can no longer support Trump and has "pretty closely decided" to vote for Hillary Clinton.

"I so much wanted Trump," Donna told a focus group held Tuesday night in the Charlotte area by the Democratic pollster Peter Hart. "I so much wanted a non-politician. But I don't trust him, and I've become afraid of him."

Why afraid? asked Hart. "Because I just don't think he knows when to shut up," Donna answered. "If he would just say, I'm a businessman, I'm not a politician, I'm going to make America great again — and stop right there — then I would vote for him."

When did Trump lose you? Hart asked. "Around the summertime, so it guess it was around the conventions," Donna answered. "I started getting nervous. He just went off and his face gets all red."

Another Hart question: When his face gets red, what does that say to you? "I see a temper, a temper tantrum, like a little boy," Donna said. "I had five brothers, and I remember that face. And that's when I got scared of him."

"So I started to listen more to Clinton. I don't like Clinton, let me tell you, and I don't trust her, but I think she's the lesser of two evils."

There were a dozen people in Hart's group, six men and six women. They were all what Hart called "late deciders" — they had made their choice in the last couple of months — or were still undecided. Of the men, three appeared to support Trump, with some reservations, while two appeared to less reluctantly support Clinton. One was difficult to read. The ones who supported Trump worried a lot about the Supreme Court and on that basis chose to back the Republican. (Indeed, for most of the Trump leaners, the future of the Court was nearly the only reason cited to explain their support.)

But it was the women who told the story of



**BYRON YORK**  
Comment

the group — and perhaps the election. Another woman, Jennifer, began by saying she is still undecided. "I'm kind of like Donna," she said. "I wanted to like Trump. But I don't know that I can, because it's embarrassing the way he acts, his temper tantrums. I think he's just an embarrassment to our country. I don't embrace Clinton, but I'd vote for her. It's probably going to be a vote against Trump."

By the end of her remarks, Jennifer didn't seem so undecided anymore.

Still another woman, Denise, said she too is undecided, but leaned a little the other way.

**"I so much wanted Trump. But I don't trust him, and I've become afraid of him."**

— Donna, An undecided voter interviewed recently in Charlotte

"I'm leaning slightly towards Trump based on Supreme Court decisions, national security, pro-life," Denise said. "Mainly for what the party stands for, not as much the candidate."

Hart asked Denise if she had anything to say to Donna — that is, perhaps to persuade her it's OK to support Trump.

"No," said Denise, adding that it's a personal decision. She appeared to completely understand her fellow group members' choice not to support Trump.

As the talk went on, it became obvious that Trump could have had the support of Donna and Jennifer, and could have had the undivided support of Denise. Trump did have their support when the summer began — and remember that was after a crazy and contentious primary season, when Trump started a zillion controversies, from dissing John McCain to calling for a ban on foreign Muslims entering the U.S. to allegedly mocking a disabled reporter to declining to disavow David Duke to going after a judge of Mexican descent. Even after all that, Trump still had a real chance to win Donna's, and Jennifer's and Denise's strong support.

But Trump let it all get away. And it didn't happen with the leak of the "Access Hollywood" tape, or with the accounts of women who said Trump tried to grope them. No, it appears Trump blew it with many women beginning with the conventions, when he formally entered a one-on-one contest with Hillary Clinton. Under the heightened scrutiny of a general election race, with press coverage turning sharply negative, Trump's fight with Khizr Khan, his remarks about "Second Amendment people," his extended fight over the 1996 Miss Universe — those new controversies, piled on top of the pre-existing controversies from the GOP primary season, finally took Trump down. Everything after that was just extra.

To watch the session was to see the great big, beautiful opportunity Trump — even the most imperfect Trump — had to win the loyalty of voters who wanted something new. He had a golden chance and didn't do it.

Byron York is chief political correspondent for The Washington Examiner.

**YOUR VIEWS**

### Cop who attended fish trip says it was no ethical error

I was disappointed when I read the recent article entitled "Free fishing trip for cops draws ethics question." The disappointment was not in my judgment or behavior, but in that of whomever decided to make this an issue.

I retired after 30 years of law enforcement and am now in my tenth year of part-time employment as a court security officer for the sheriff and the state courts in Umatilla County. Over the span of my career I have made every reasonable effort to avoid ethical errors and conflict and do not agree with the perception that there was one here.

I was honored to be invited to attend the Cops for Kings event. I enjoyed it immensely and, given the opportunity, would do it again. I attended a nice dinner hosted by the organization CMAC (Community Military Appreciation Committee). They have been hosting similar events for military veterans for several years and more recently for police and fire.

I made a donation at that event that most likely would have covered the cost of my dinner. My brother did also. We sat with a Dallas, Texas, PD officer during the dinner and were surrounded by police officers from Dallas, Baton Rouge and around the Pacific Northwest.

We stayed one night at a local motel, paid for by my brother as our friend Rick stayed with his personal friend Dion Hess, the event organizer.

The next day we met at a launch in Ridgefield and my brother and I rode in a boat owned and operated by Police Chief Terry Timeus of West Linn Police Department. In addition to Chief Timeus and his mate, Tim and I were accompanied by three Portland Police Bureau officers. Our two brother detectives were assigned to boats with Dallas and Baton Rouge officers.

Our boat caught three salmon that day and we had a wonderful time. My brother had a wonderful time even though I outfished him. Rick was on Dion's boat fraternizing with Baton Rouge and Dallas officers during that time. Part of the intent of that event was for our Pacific Northwest community to show some of our hospitality to the officers from those distant communities who had recently suffered tragedy and loss.

This was a wonderful event made possible by wonderful people, businesses and police employees organizations in Portland, Vancouver and Ridgefield. In my estimation, the ethical conflict lies with whomever decided to make this an issue.

Michael Gallaher  
Retired police chief, Milton-Freewater