

Obama's final year: U.S. spent \$36M in records lawsuits

Set record for times said they couldn't find a single page of files that were requested

By TED BRIDIS
Associated Press

WASHINGTON — The Obama administration in its final year in office spent a record \$36.2 million on legal costs defending its refusal to turn over federal records under the Freedom of Information Act, according to an Associated Press analysis of new U.S. data that also showed poor performance in other categories measuring transparency in government.

For a second consecutive year, the Obama administration set a record for times federal employees told citizens, journalists and others that despite searching they couldn't find a single page of files that were requested.

And it set records for outright denial of access to files, refusing to quickly consider requests described as especially newsworthy, and forcing people to pay for records who had asked the government to waive search and copy fees.

The government acknowledged when challenged that it had been wrong to initially refuse to turn over all or parts of records in more than one-third of such cases, the



FILE - In this Aug. 10, 2006, file photo, the State Department sign used as a backdrop at the State Department in Washington.

highest rate in at least six years.

In courtrooms, the number of lawsuits filed by news organizations under the Freedom of Information Act surged during the past four years, led by the New York Times, Center for Public Integrity and The Associated Press, according to a litigation study by the Transactional Records Access Clearinghouse at Syracuse University. The AP on Monday settled its 2015 lawsuit against the State Department for files about Hillary Clinton's time as secretary of state, at AP's request, and received \$150,546 from the department to

cover part of its legal fees.

The AP has pending lawsuits against the FBI for records about its decision to impersonate an AP journalist during a criminal investigation and about who helped the FBI hack into a mass shooting suspect's iPhone and how much the government paid to do it.

Of the \$36.2 million in legal costs fighting such lawsuits last year, the Justice Department accounted for \$12 million, the Homeland Security Department for \$6.3 million and the Pentagon for \$4.8 million. The three departments accounted for more than half the

government's total records requests last year.

The figures reflect the final struggles of the Obama administration during the 2016 election to meet President Barack Obama's pledge that it was "the most transparent administration in history," despite wide recognition of serious problems coping with requests under the information law. It received a record 788,769 requests for files last year and spent a record \$478 million answering them and employed 4,263 full-time FOIA employees across more than 100 federal departments and agencies. That was higher by 142 such employees the previous year.

A spokesman for former President Obama did not immediately respond to an email request for comment late Monday. The White House under Obama routinely defended its efforts under the information law in recent years and said federal employees worked diligently on such requests for records.

It remains unclear how President Donald Trump's administration will perform under the Freedom of Information Act or other measures of government transparency. Trump has not spoken extensively about transparency. In his private business and his presidential campaign, Trump required employees and advisers to sign non-disclosure agreements that barred them from discussing their work. His adminis-

tration has barred some mainstream news organizations from campaign rallies and one White House press briefing. And Trump broke with tradition by refusing to disclose his tax returns.

Trump's secretary of state, Rex Tillerson, is traveling to Asia this week on a small plane without a contingent of journalists or a designated pool reporter who would send reports to the broader diplomatic press corps, departing from 50 years of practice.

Overall, in the final year of Obama's administration, people who asked for records last year under the law received censored files or nothing in 77 percent of requests, about the same as the previous year. In the first full year after Obama's election, that figure was only 65 percent of cases. The government released the new figures in the days ahead of Sunshine Week, which ends Sunday, when news organizations promote open government and freedom of information.

Under the records law, citizens and foreigners can compel the U.S. government to turn over copies of federal records for zero or little cost. Anyone who seeks information through the law is generally supposed to get it unless disclosure would hurt national security, violate personal privacy or expose business secrets or confidential decision-making in certain areas.

SOLAR: State mandates UEC provide 25 percent of its electricity from renewable resources

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describes the land as rocky and unable to grow crops without irrigation. About 5 acres of the property does include a non-canceled water right, though it hasn't been used in five years.

Still, the Umatilla County Planning Commission opted not to give its recommendation for the exception. Vice chairman Gary Rhinhart said he struggles to see the county lose farm ground, and believes the land could be valuable at some point in the future. Commissioner Don Marlatt said he was concerned whether such an exception would indicate to other developers that the

county is willing to build over more high-value farmland.

Dave Price, with Blue Mountain Alliance, also opposed the development. Most of the county is covered by the same AVA designation, he said, and if someone wanted to use the ground for irrigated agriculture, all it would take is money.

Robert Echenrode, UEC general manager, said the co-op initially bought the land from the Port of Umatilla with the intention to develop it over a period of time. The state of Oregon mandates UEC provide 25 percent of its electricity from renewable resources,

and the utility has estimated it will need 1,000 megawatts of green energy to meet that demand.

Of that 1,000 megawatts, UEC is striving toward 100 megawatts of solar power. If a Goal 3 exception is allowed, the 80-acre Moyer-Tolles site would contribute 10 megawatts. Otherwise, Echenrode said the 12-acre cap may force them to build up to 50 smaller solar farms around the region, along with transmission lines, connection lines and substations.

UEC has already invested \$2.5 million in the Moyer-Tolles Solar Station, including a \$250,000 grant from the U.S. Department

of Agriculture. The station is named after Bill Tolles and LaFawn "Fonnie" Moyer, two former employees who died in a car crash in 1971.

The final decision ultimately rests with the county commissioners. A Goal 3 exception would not authorize the solar project itself — UEC would have to come back before the planning commission to request a separate conditional use permit for the panels.

The Board of Commissioners meets at 9 a.m. at the Umatilla County Courthouse, Pendleton.

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LOGMAN: Bill Porter's wound required 11 stitches

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disorder, had set off in the family van for Indian Lake with her sons. She had no food, water or camping gear and the Ford Windstar's gas tank was almost empty. The family slept in the van and, according to Dan, Vanessa progressed to "a full-on delusional state," as Vanessa believed she was being chased.

The next morning, she and the boys walked toward Pilot Rock in 90-degree heat, eventually waving down Bill Porter and his ex-wife, Brenda Porter. At the offer of a ride, Vanessa and her sons climbed into the back seat of Porter's Dodge pickup. According to police reports, she pulled a knife from her purse, grabbed Bill Porter's shoulder and sliced into his throat. The Hermiston man braked and he and Brenda Porter pulled Vanessa from the truck, wresting the knife from her hand.

Logman was booked into the Umatilla County Jail on charges of attempted murder, assault in the second degree and two counts of unlawful use of a weapon. Bill Porter's wound required 11 stitches. Brenda Porter suffered minor injuries.

A psychological exam concluded that she was mentally impaired during the attack, according to Dan, though the results are not yet available to the public. At a pre-trial hearing last November, chief deputy district attorney Jaclyn Jenkins asked Umatilla County Circuit Court Judge Daniel J. Hill to authorize another psychological exam and was granted the request. Logman submitted to another examination in January at the Oregon State Hospital.

Two experts agreeing that Logman was mentally impaired during her criminal act opens the door for use of a guilty but insane defense at trial. Though neither attorney would talk about the conclusions of either examination, their actions in court indicate they are proceeding as if the defendant is someone deemed to be guilty except for insanity.

On Monday, the 31-year-old defendant sat next to her attorney, Michael Breiling, as her husband watched from the gallery. Judge Hill listened as Breiling requested time to determine whether mental health professionals from the Confederated Tribes of the Umatilla Indian Reservation could legally supervise Logman's mental health care for the Psychiatric Security Review Board, which oversees individuals who are ruled to be guilty except for insanity. Breiling and Jenkins checked their schedules and agreed on May 8 at 2:30 p.m. for the next pre-trial hearing.

Ultimately, Judge Hill must decide whether Logman must go to the Oregon State Hospital for treatment or continue treatment in her community. Breiling is pushing for the community scenario. Jenkins wants otherwise.

"I believe this defendant should go to the State Hospital," Jenkins said. "That has been my position."

Both parties have agreed that Judge Hill should decide Logman's fate rather than a jury.

"The judge will make a determination whether Vanessa is dangerous to others," Breiling said. "He will decide about whether she is conditionally released or committed to the State Hospital."

After the hearing, Vanessa and Dan sat down to decompress. It's been a long haul, Dan said.

"It's been nine months, 10 days," he said, pausing to look at his watch, "and 37 minutes since I was informed about what happened."

He believes his wife should stay in the community with her family.

"Both doctors have argued in essence she was suffering from a mental disease at the time," Dan said. "It would seem an easy thing to say that someone who has never been in trouble before is owed a second chance."

After being released on bail shortly after the attack, Vanessa said, the couple devised a plan to help her stay psychologically healthy. She sees a counselor weekly. Dan keeps a medication log, noting the time and drug — even asking her to stick out her tongue to show the pill. They exercise together several times each week and eat nutritious meals.

"We have more safety nets in place," Vanessa said.

The couple continues to wonder whether the whole incident could have been averted if Vanessa had been able to get a counseling appointment as she attempted to do the day before at the Yellowhawk Tribal Health Center.

They said the past months have strengthened their relationship.

"This kind of thing tears you apart or brings you together," Dan said. "In the nine years we have been together, we have never been closer."

They feel grateful to the Porter's "act of kindness," stopping that day. They fear what might have happened to the boys without the kindness of strangers.

The Porters are withholding comment, for now, until the case makes its way through court.

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FIRE: Fifth house fire agencies fought in two weeks

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called for help from the Pendleton Fire Department, which responded with a water tender and a fire engine and crew.

Flames burst from the home's windows, and gray and black smoke covered the area, a pastoral scene where locals raise sheep and keep horses.

Randy Burke, shift captain with the Umatilla Tribal Fire Department, said the fire was already going strong when the crew arrived. Firefighters tried an interior attack, he said, but the heat and intensity proved too dangerous and the crew got out.

Moments later, he said, black powder for reloading ammunition exploded in the home. Burke said that was a scary moment in an overall intense fire.

Firefighters could no longer work inside the house, he said, and concentrated efforts on the outside. Crews continued their attack until a little past noon.

Jackie and the children took shelter at the nearby bus barns operated by Mid



Staff photo by E.J. Harris

Pendleton firefighters on Tuesday put on protective gear while responding to a house fire at 45542 Mission Road east of Pendleton.

Columbia Bus Co.

"The people at the bus barns were just amazing," Nicholson said, and provided pizza and drinks for the family. "They're in good spirits and they're all OK."

Michael was in La Grande with his National Guard unit, she said, and

came back as soon as he heard.

The Pendleton Baptist Church, along with Pilot Rock Baptist Church and others, are helping the family, Nicholson said. The Pendleton church is the center for donations.

The family may move into a trailer and live on their

property. They have two new lambs and a third on the way, and want to be there to take care of them.

This is the fifth house fire local agencies fought in less than two weeks.

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FARM: Neither bill requires housing to be provided at affordable rates

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county conditional use permit.

The same conditions apply to a single recreational vehicle used for "residential purposes" under HB 2938.

County governments can decide whether or not to incorporate these provisions into their land use plans and they're also free to place additional restrictions on accessory dwellings and recreational vehicles sited in farm zones, according to supporters.

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Critics of the proposals say that affordable housing is needed more near cities where residents have access to jobs, transportation and other services, rather than in remote rural areas.

More people living in the countryside also means strains will increase on local road and water systems, opponents said.

Neither bill requires housing to be provided at affordable rates or to residents with low incomes, said Mary Kyle McCurdy, deputy director of the 1,000 Friends of Oregon, a nonprofit that supports Oregon's land use system.

The proposals don't prohibit landowners from using the dwellings for short-term vacation rentals, which often crowd out long-term rentals, McCurdy said.

Even if the bills contained such provisions, they'd be difficult to enforce given the rural locations of the dwellings, she said.

The profitability of short-term rentals has caused them to proliferate in Hood River County, where farming is already challenging due to the small size of farm parcels, said Mike McCurdy, an orchardist in the county.

Farm practices are often incompatible with residential uses and growers must comply with federal restrictions that prohibit spraying pesticides near dwellings, McCurdy said.

"You're adding people into that zone," he said.