

O EAST OREGONIAN PINION

KATHRYN B. BROWN
PublisherDANIEL WATTENBURGER
Managing EditorTIM TRAINOR
Opinion Page Editor

Founded October 16, 1875

OUR VIEW

Fair trials, federal tricks

It should be obvious: When the U.S. government goes after anti-government protesters, it must follow the highest legal, ethical and operational standards. To do otherwise is to reinforce the protesters' notion of an unfair, untrustworthy and undisciplined government.

Yet in the court case against Nevada rancher Cliven Bundy — whose 2014 ranching protests helped inspire the 2016 armed occupation of the Malheur National Wildlife Refuge in Oregon — federal agents and prosecutors veered off that high road and onto the low. Because the government withheld evidence that might have aided the defense, federal Judge Gloria Navarro declared a mistrial last month, stating “a fair trial at this point is impossible.”

Bundy, sons Ammon and Ryan, and sympathizer Ryan Payne faced multiple charges, including conspiracy, from the Bundys' 2014 armed standoff against federal agents in Nevada. Navarro has scheduled a hearing for Jan. 8 to determine whether the case against them should be thrown out. On Friday, the federal prosecutors asked for a new trial, contending their failure to share all their evidence with the

defense was unintentional.

Let there be no doubt: Cliven Bundy was wrong when he kept using public land for his cattle after choosing not to renew his federal grazing permit and not pay the grazing fees. The Bundys and their supporters were wrong to take up arms against federal agents who planned to seize the Bundy cattle over the unpaid fees and ensuing fines.

Ammon Bundy and his cohorts were wrong to bring their armed campaign into Oregon and ultimately seize the Malheur refuge.

However, documents and testimony reveal that at various stages, it was as if some federal agents had a vendetta against the Bundys and their supporters. As one example, a federal threat assessment had found the Bundys were not the violent threat that the government claimed. Yet the government expectation of a violent response from the Bundys almost guaranteed violence. The government had positioned snipers and other surveillance, and gun-toting Bundy supporters had shown up to protect the cattle ranch.

The similarities to the Malheur refuge occurrence are eerie. The U.S. Justice

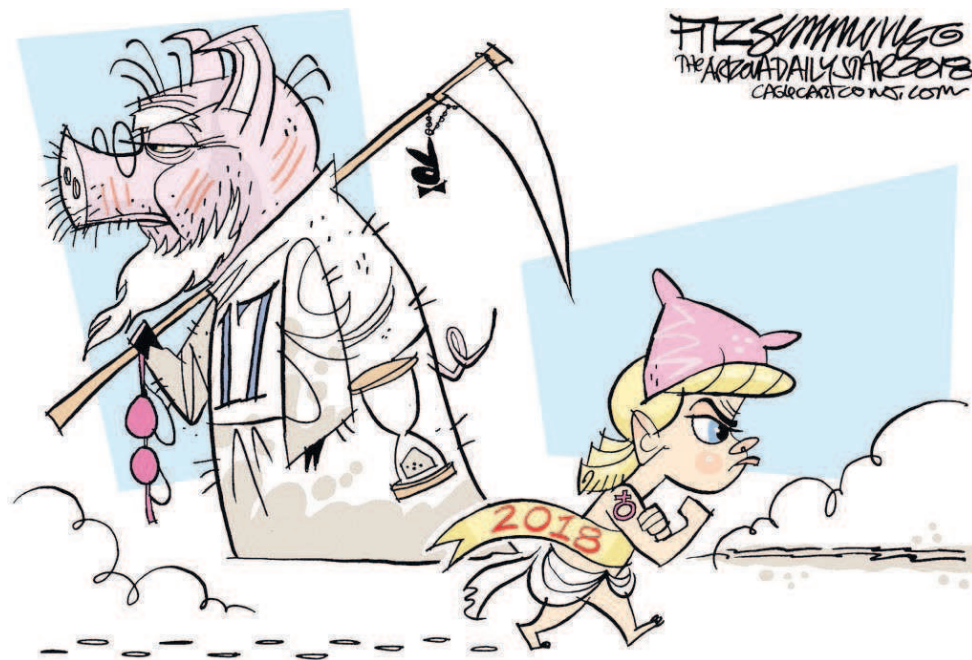


John Locker / Las Vegas Review-Journal via AP, File

In this April 2014 file photo, flanked by armed supporters, rancher Cliven Bundy speaks at a protest camp near Bunkerville, Nev. A U.S. judge has set a Jan. 8 date to decide whether charges should be dismissed outright in the prosecution of Cliven Bundy, sons Ryan and Ammon Bundy, and Montana militia leader Ryan Payne.

Department's heavy-handed pursuit of two Harney County ranchers — Dwight Hammond Jr. and son Steven Hammond — led to excessive prison sentences in their arson case. In response, Ammon Bundy and his fellow anti-government sympathizers descended on the community of Burns and eventually invaded the wildlife refuge.

Nothing justifies those extremist actions of Ammon Bundy and his followers, or those of Cliven Bundy. But remember: Our nation's founders envisioned a fair, just and accountable government. When federal prosecutors and law enforcement agents subvert these principles, they undermine the very government they claim to uphold.



YOUR VIEWS

B2H line could empower eminent domain

This letter is in response to Idaho Power's intention to build a 500 kV power line through Eastern Oregon and Idaho from Boardman to Hemingway, known as B2H. There are many problems with this intended project.

If this project is approved, Idaho Power could evoke the law of eminent domain, a law created to enable government to take private land for the public good. Eminent domain laws for compensation in the case of transmission lines are among the most restrictive. Landowners would likely only be compensated for the land the tower pad is built on, with no compensation for loss in surrounding land value or loss of view.

This seems particularly galling in light of the fact that there is no public good in this project, only corporate profit.

There is already a federally designated “energy corridor,” the 386 federal corridor, set aside to be used for transmission lines. Why is this corridor not being used for the proposed transmission line? Could it be because Idaho Power does not want to bear the cost of battling with environmental groups regarding impacts to public lands? Instead they'll push it through a new route,

without notification or the meaningful involvement of residents.

I refuse to get ensnared in arguments about a preferred route for the transmission line. I will not use my mental and emotional resources to fight with my fellow citizens regarding the placement of B2H because no land anywhere deserves to be blighted with this line. The reasons for the project are wrong, at their core and throughout. Before we talk about where to place the line, we need to question if it is needed at all.

Idaho Power has gotten permission to cross BLM land with the B2H line that is less than half the length of the line. To finish getting approval for the line they must pass bureaucratic hurdles from the U.S. Forest Service, the Oregon Facilities Siting Council, and Public Utility Commissions in both Idaho and Oregon.

Idaho Power will likely face lawsuits from the Oregon California Trail Association, the STOP B2H Coalition, agricultural interests, and residential property owners. There are many opportunities yet to stop this line. Let's stand together to demand accountability from Idaho Power and sovereignty from corporations in Eastern Oregon.

Kathryn Andrew
La Grande

CONTACT YOUR REPRESENTATIVES

U.S. SENATORS

Ron Wyden
221 Dirksen Senate Office Bldg.
Washington, DC 20510
202-224-5244
La Grande office: 541-962-7691

Jeff Merkley
313 Hart Senate Office Building
Washington, DC 20510
202-224-3753
Pendleton office: 541-278-1129

U.S. REPRESENTATIVE

Greg Walden
185 Rayburn House Office Building
Washington, DC 20515
202-225-6730
La Grande office: 541-624-2400

REPRESENTATIVES

Greg Barreto, District 58
900 Court St. NE, H-38
Salem, OR 97301
503-986-1458
Rep.GregBarreto@state.or.us

Greg Smith, District 57
900 Court St. NE, H-482
Salem, OR 97301
503-986-1457
Rep.GregSmith@state.or.us

SENATOR

Bill Hansell, District 29
900 Court St. NE, S-423
Salem, OR 97301
503-986-1729
Sen.BillHansell@state.or.us

OTHER VIEWS

Seven wishes for the new year

Well, at least it's not 2017 any more.

I expect that future historians will look back on it as one of the darker nonwar years in the country's history — a year when the president lied constantly, the United States' global influence suffered and Congress used its mighty powers to enrich the rich. Yet the long view of U.S. history still offers reason for optimism. We usually figure out how to emerge from our darker periods.

In the hope that 2018 represents at least the start of a turning point, I offer seven New Year's wishes:

Republicans stand up for the rule of law.

The country's most urgent problem is the possibility that the president will impede an investigation into illegal behavior by his aides and possibly himself.

President Donald Trump clearly wants to do so. His allies are defaming Robert Mueller even though Mueller is a longtime Republican, a successful FBI director and a decorated Marine who is pursuing matters of national interest, such as: Does a hostile foreign power have influence over U.S. officials? And did the president use illegal tactics in his campaign?

Republicans in Congress can make sure that the country gets answers. They can refuse to tolerate any disruption of Mueller's investigation, including the firing of him or his boss, Deputy Attorney General Rod Rosenstein. If Trump tries to go there, his fellow Republicans can tell him that his presidency would effectively be over. Privately and publicly, they should be saying so now.

Democrats do not waver. In the worst-case scenario, with Republicans allowing Trump to obstruct an investigation, I hope Democrats have no illusions about the depth of the constitutional crisis.

They should refuse to pass any legislation, including to keep the federal government open, until a real Russia investigation restarts. They should use every available tool to block nominees. They should talk publicly about little else. U.S. democracy will be in an emergency.

Korea avoids war. The risk of a horrific war is real. The most encouraging sign is that, for all of Kim Jong Un's brutal eccentricity, he generally acts in his own self-interest. That rationality means that containment should be possible, because war would obliterate his regime. Here's hoping the Trump administration's cooler heads are setting policy.

The world keeps getting better. It may be hard to believe in the United States, but 2017 was again the best year in history, based on the aggregate well-being of humanity. People have never before lived so long, so well or so freely.

I asked Charles Kenny — author of the

DAVID
LEONHARDT
Comment

book “Getting Better,” a succinct summary of global well-being — what to hope for in 2018. His answers include: final victory in the battles against polio and Guinea worm; famine precluded in South Sudan; progress on the malaria and HIV vaccines, as well as continued U.S. support for treatments.

Science outpaces politics. In the struggle against rising seas, worsening droughts and a warming planet, the Trump administration is trying to make things worse for everyone's grandchildren. Which means our hopes must rest elsewhere. But there are realistic climate wishes for 2018.

I hope public concern continues to grow (as polls show it did in 2017), the costs of both solar and wind energy keep plummeting, batteries become cheaper and more powerful and governors, mayors and foreign leaders stay focused on the problem. I also hope Americans start devoting

more than 2 percent of our philanthropic dollars to climate change.

Democracy thrives. Authoritarianism was on the rise in 2016 across both Europe and the United States, and the response from small-democratic movements was a highlight of 2017. Demagogues in France, Austria and the Netherlands all suffered disappointments. Here, the resistance delivered electoral setbacks to Trump and helped preserve decent health care for millions.

But creeping authoritarianism remains a major threat. Democracy advocates will have to summon even more energy for 2018.

A particular wish: That voter turnout in our midterm elections surges. It was only 42 percent in the last midterm, in 2014, compared with more than 60 percent in recent presidential elections. That's not healthy. Some groups with the biggest potential to increase their political say are 18- to 24-year-olds (17 percent citizen turnout in 2014); Asian-Americans (27 percent); and Latinos (also 27 percent).

Everyone finds an escape. This is a pretty heavy list, I realize. So I'll end on a lighter note. I hope all of you find ways to escape our exhausting political times, as well as our all-consuming digital technologies, and enjoy yourselves.

Read Steven Pinker's forthcoming book, “Enlightenment Now,” to feel better about the current era. Savor Mikaela Shiffrin's awesome athleticism at next month's Winter Olympics. Take advantage of our golden age of cheap, delicious and often healthy food. Test drive a semiautonomous car, and get a feel for the future. And when in doubt, spend time with your friends.

David Leonhardt is an op-ed columnist for *The New York Times*.