

Emmanuel's home

It was hot that Saturday morning, 80 degrees at seven in the morning. I could see the thermometer on the side of my shop from where I stood in front of the air conditioner talking on the phone to Caty.

She headed out a half hour before to work, and had jerked me out of dreamworld to report spotting a strange sight. Fifteen miles to the south, a man was pushing a shopping cart full of plastic sacks down the edge of the highway, in the middle of Wheatsville, USA. I allowed that it was uncommon to see a homeless person ten miles from the closest possible home, and went back to bed.

It was just as hot the next morning when she called to say that she had waved at the same guy, pushing the same cart, who was now at milepost 16, 12 miles north of yesterday. What did I want to do about it? I said I would be forced to put on my shoes if I were going to help push a shopping cart, and that my preference was to do nothing about it.

On the way out to the highway, I stopped at Edna's store and bought a bottle of ice-cold Mountain Dew, the official drink of homeless guys pushing shopping carts through the treeless void.

Sure enough, a mile south of Athena, walking north toward traffic was a small black guy, forty-something, missing front teeth, torn windbreaker, dirty chino pants, pulling a standard grocery store cart along the breakdown lane. I guided my little red truck

to a whoa in front of him and stepped out. "Yassuh. What can I do for you, Suh?" "I don't know. I just stopped to see if you were alright." "Oh, Yassuh. I'm fine. Little warm, little thirsty, but just fine, thanks for asking." "Where are you headed?" "I'm going to California someday. Right now I am going to Washington State, maybe Spokane or somewhere like that."

"Want a ride? I can get you to the Washington state line. Twenty miles or so."

"That would be more than just fine. Please help me lift my house onto your truck and we'll be on our way."

Once we had loaded his stuff, including a large rock, we shook hands and introduced ourselves. His name was Emmanuel and his hand was wet. I passed him the bottle of Dew. We didn't talk about the politics of homelessness. Emmanuel

was not a talkative guy, but neither did he seem demented or wounded, just solitary. I did learn a few things about his life in the 45 minutes I rode with him.

He was originally from Natchez, Mississippi, which explained the "Yassuh" stuff. He had been on the road for 16 years and three months. He was on his fifth shopping cart house, the one in the back given to him by an Albertson's employee in Mountain Home, Idaho.

The worst place he had ever been was Butte, Montana, where he had done 14 days

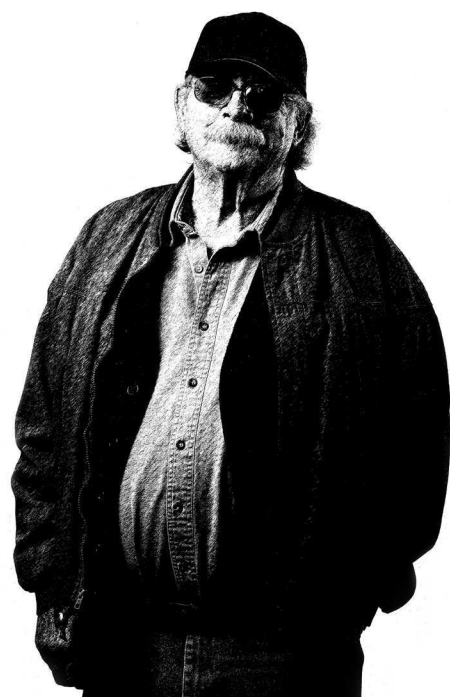
for vagrancy with "some real nasty white boys." The best place he had ever been was "in the trees, any kind of trees, where I can hunker and read the Bible."

As we hit the edge of civilization just south of the Washington line I got a few insights into living out of a shopping cart.

"Now there is a Zp Trip. Very good dumpsters. Folks buy that corn dog nacho burrito stuff and don't like it, toss it away. And it is always poor folks working in convenience stores and poor folks are more generous than the rich ones. Papa Murphy's pizza place. You get there late at night, just before they close and those kids working in there, they give you all the raw pizza you can eat. Used car lots. You find a big busy one on a late Saturday night, where people been getting in and out of those cars all day, and there's bound to be pocket change on the ground. Mr. McDonald's. Stay afar unless you can afford a cup of coffee. They have a company policy to chase you away from every one of those in the world, even call in the police."

While we were unloading his house below the sign reading "Welcome to Washington, the Evergreen State" Emmanuel's rock dropped from the pickup bed onto the pavement. I asked why he was carrying a rock around the world. He said "You always should have a rock, in case the wind blows or the dog is terrible big. You'd be surprised how many places that you just cannot find a rock." Wise words.

Three hours later, my son and I decided to head for the hills and slaughter a few tin cans with a .22 rifle. He wanted to drive. As I got in the passenger side of our little truck I found an almost full pack of Marlboros that Emmanuel must have dropped. We headed

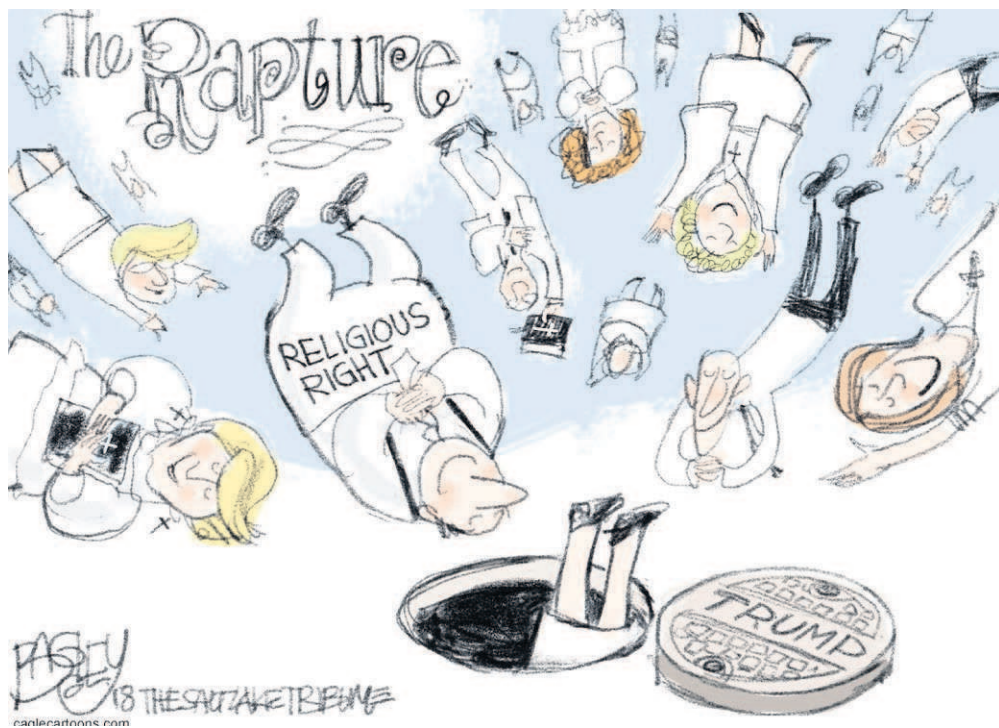
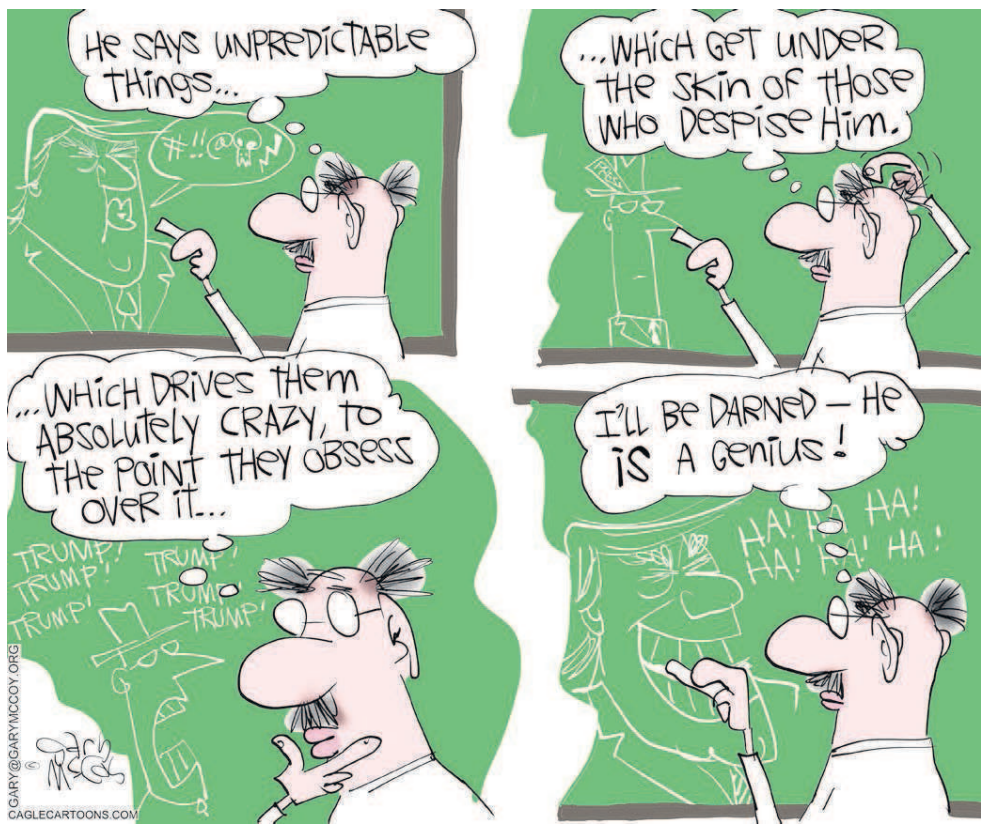


J.D. SMITH
FROM THE HEADWATERS OF DRY CREEK

for Washington and found Emmanuel just south of Walla Walla, two miles north of where I left him, head down, pushing his cart. When I handed him the pack of smokes he said, "Yazzuh. I been looking all through my home for those. Figured I must've left them in your automobile. Thank you and the Lord, Brother," smiled and flashed the peace sign. He was lighting up as we drove away.

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Ethics still matter in Oregon

The Oregonian/OregonLive

Ethics commissioners who reviewed the investigation into how Cylvia Hayes profited by braiding together her work as a private businesswoman and public official described what they found in direct and compelling words:

Profoundly disturbing. Crushing and disappointing. The worst of politics. A case study in what you are not supposed to do in public office.

Even more powerful was where Oregon Government Ethics Commission Chairwoman Alison Kean laid blame: "I want to make it really clear that I don't think this is all on one person," she said. "We may just have so much evidence on Ms. Hayes that it's a little easier, but I think also this report is full of evidence that is applicable to the member of her household who was a public official and was the governor."

After three years, we finally have the answers to the important questions about the abuse of public office that local media had been asking before John Kitzhaber was elected to his historic, if ever so short, fourth term. They were the right questions.

They were questions that weren't always welcome in a state infatuated with its cowboy governor. Or in a state where one party has ruled lately and seems comfortable sticking with the devil they know.

These were basic questions that the pair never asked of themselves. Maybe it was Kitzhaber's hubris. Or Hayes' blind ambition. But when the governor's staff raised these issues, they were shot down by the chief executive of the state.

In his 2015 resignation letter, Kitzhaber wrote that he was confident he hadn't broken any laws. He wrote that "Oregonians will see that I have never put anything before my love for and commitment to Oregon and faithfully fulfilling the responsibilities of the public offices I have held."

But he did, whether he'll ever truly recognize that or not.

Kitzhaber compounded those violations of our collective trust when he and Hayes defiantly dismissed news stories and fought public records requests, both through stalled processes and in court. (Hayes is currently appealing the \$124,837 judgment she still owes *The Oregonian* after losing her battle to keep her state-related emails private.)

Kitzhaber and Hayes attacked *The Oregonian*/OregonLive and other Portland media, claiming reports were inaccurate and vilifying reporters — long before it was

commonplace to label inconvenient facts as fake news.

The commission's report drowns out that wrongheaded drumbeat.

In its 154 unyielding pages, the report confirms the allegations raised in various news reports. There was no line between Hayes' private business and her public work. She earned generous contracts thanks to her title and her access to Oregon's highest political official. It was Kitzhaber who put her in that position and pushed his staff to help expand her role and reach.

Ethics Commissioner Richard Burke hit on one of the more critical points as he and other commissioners deliberated at a meeting last week: Kitzhaber and Hayes should have known better. Burke pointed out that the commission sometimes handles conflict-of-interest violations by volunteer appointees and office-holders in small towns across the state. That wasn't the case with Kitzhaber and his top advisers.

"These are sophisticated people," Burke accurately described. "These are people who are capable of swimming in the shark tank. They are very, very sharp. They understand how government is supposed to work."

As commissioners discussed, Kitzhaber and his staff identified the potential for ethical lapses and conflicts of interest over the years but never sought guidance from the very agency created to help public officials navigate those waters.

For Oregon, there couldn't be a better time for such a confirmation of the need for a strong, vibrant local press and increasingly aggressive watchdog agencies such as the Government Ethics Commission. Without those questions and pressure to produce public documents, the first couple likely would have pushed on with their ambitious plans, which called for further expansions of Hayes' roles and responsibilities. Without this ruling, Kitzhaber and Hayes could have continued on with their misplaced criticisms and disingenuous narrative.

The ethics commission cemented its credibility late last year when it rejected a pathetic settlement with Kitzhaber that provided a mealy admission of guilt and a \$1,000 fine. In coming months, commission members will revisit his case and decide whether to fine Hayes the maximum of \$5,000 for each of her 22 various violations of state ethics and conflict of interest laws — a potential hit to her bank account of \$110,000.

Oregon will be watching. This is the time to send a clear signal that we value integrity in our government and that ethics mean something in this state.

Justice in the age of Bundys

What do we make of the latest twist in the saga of Cliven Bundy's family?

As a public-lands rancher, I am both appalled and cheered by the dismissal of charges — with prejudice against the prosecution — against Bundy and two of his sons. I am also, as the Brits say, "gob-smacked."

I am appalled because my ranching family has had a long and mostly positive relationship with the Bureau of Land Management and its personnel. Together, at our best, we have worked magic on the landscape, planning long-term projects in a collaborative fashion, and then seeing the results. There have also been less productive interactions, a few of them downright hostile.

The Bundys had reason to believe that the government is out of line. When the government bought out 52 of their neighbors' grazing permits, ostensibly for desert tortoise habitat, the Bundy family refused the deal. However, as ranchers who hold grazing leases on federal ground, we understand that we have agreements that are critical. The Bundys refused to recognize federal ownership of the public lands. After their federal lease was canceled, they began trespassing on their former lease as well as leases of their neighbors.

It was unfortunate that Cliven Bundy, who had been making some good points about federal overreach, turned his attention to social commentary in a manner offensive to me and to most Americans. It was also unfortunate that federal officials brought an estimated 200 snipers, personnel armed with tasers, helicopters and police dogs to conduct a roundup of some 900 cows owned by Bundy in the midst of calving season.

Predictably, hundreds of heavily armed self-styled militia types showed up to support Bundy and face off federal officials. Soon a full-fledged standoff was underway.

After several tense days, the government forces withdrew, not wanting another "Ruby Ridge" on their hands. Apparently, the Bundy sons wrongly interpreted the situation. They failed to understand that like it or not, most citizens of the West work within the system of federal ownership of public land. After all, about half of the West is managed by federal agencies.

In the meantime, another family was devastated. Harney County, Oregon ranchers Dwight, 76, and Stephen Hammond, 48, who had a history of conflict with the BLM and the Malheur Wildlife Refuge personnel, were convicted of arson. They testified that they



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Comment

had set a "backfire" in order to protect their grazing land. Initially they were convicted and also paid \$400,000 in restitution.

The U.S attorney successfully appealed, arguing that the law demanded a minimum sentence of five years. Despite arguments of "double jeopardy," the father and son were ordered to serve longer sentences. This was one of the sparks that incited the Bundy brothers to occupy an Oregon wildlife refuge.

Ammon and Ryan Bundy, neither of them ranchers, were emboldened when the government failed to impound their family's cattle. Without the approval of the

Hammonds, whose cause they claimed to be upholding, they and some supporters "took over" the unoccupied Malheur Refuge headquarters. After a six-week "occupation," and the death of supporter LaVoy Finicum, the occupiers had either left or been arrested.

Several of those arrested plea-bargained or were convicted and imprisoned — one for 68 years. In a prosecutorial mistake,

government attorneys chose to charge the Bundy brothers and their supporters with conspiracy, instead of the clear crimes of trespass, illegal use of firearms and threats.

The Oregon jury did not convict because the prosecution could not prove conspiracy. Cliven Bundy was arrested when he came to visit his sons, and the three men were moved to Nevada to await trial for the 2014 events surrounding the cattle roundup.

Which leads us to the recent stunning dismissal of the charges against the Bundys. Again, it seems clear that they violated the law. It is astonishing that the prosecution did not learn from the Oregon trial, where a juror cited the prosecutors' "air of triumphalism." U.S. District Judge Gloria Navarro cited "flagrant prosecutorial misconduct" in her decision, and ruled "with prejudice," which means a retrial is prohibited. The U.S. attorney announced she may appeal.

It takes wisdom, patience and humanity to make our system of federal land management work. In the case of the Bundys, both sides failed. It is ironic, too, that the legal system the Bundys assailed protected their rights in the end. We are, indeed, a country of laws.

The Bundys have returned to Bunkerville. Some supporters are still jailed. Millions of taxpayer dollars have been spent. LaVoy Finicum is still dead. □ figure.

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