

# BOUNDS: Senators Wyden and Merkley both objected to Bounds' nomination

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for that. He said Florida Sen. Marco Rubio was one of those senators.

The two senators from Oregon, Democrats Jeff Merkley and Ron Wyden, had objected to the nomination, saying the Trump administration hadn't consulted them about it. They highlighted writings from Bounds' years at Stanford University that they said revealed alarming views on race, workers' rights and the gay community. They also complained that Bounds did not provide his *Stanford Review* opinion columns to a judicial selection committee in Oregon that makes recommendations for federal judges.

Bounds, 45, was asked about the writings during the confirmation hearing and in questionnaires submitted by senators, and he apologized. In one column titled "Lo! A Pestilence Stalks Us," he appeared to mock LGBT students as being too sensitive when a group of intoxicated athletes vandalized a

statue celebrating gay pride. In the same column, he seemed to mock Latino students for being too sensitive when they complained about the termination of a Latino administrator.

Bounds said the article didn't show sufficient respect for the concerns of the students involved. "I apologize for that; it is not in keeping with how I have lived my life," Bounds said.

Bounds also told senators that he did not believe he needed to submit pre-law school writings to the judicial selection committee.

"Senator Wyden's office explicitly told me the committee sought to review materials going back only 'as far as law school,' and so I identified and (to the extent practicable) produced all such materials without regard to whether they were potentially controversial," Bounds said.

While Democrats objected to Bounds' writings and the process used to advance him, Republican senators focused on his work as a lawyer.

"Fairness, impartiality, intellectual rigor. To sum it up, in the words of one legal peer, quote, 'Ryan has all of this, and more,'" McConnell said Thursday morning, hours before pulling the nomination. "So, I look forward to voting to confirm this excellent nominee, and I urge all my colleagues to join me."

In the House, Rep. Greg Walden said the failure of Bounds' nomination was to the detriment of the court.

"Rural Oregon lost an opportunity to have a strong, thoughtful and fair judge on the Ninth Circuit Court of Appeals today. ... There was a day when a man of his intellect, experience and ability would have easily won confirmation. Instead of judging him on his life's work as a successful federal prosecutor and respected member of the legal community, he was trashed for a couple of columns he wrote as a 21-year-old college student at Stanford. He disavowed those writings as an adult and has spent his career fighting for justice and safety

in our community. He didn't deserve this outcome."

Bounds, in an email Thursday to *The Oregonian*, said he was proud to have been nominated. He said his greatest honor is serving the country and the Constitution, and he plans to continue in his role as a federal prosecutor.

"As a lawyer who grew up in a small town in Eastern Oregon, I was deeply proud to have been nominated to serve on a court of such vital importance to my community — and the state I love," he said. "I could not be more thankful for the support of so many colleagues and friends from throughout the legal profession and across the political spectrum. Ultimately, however, my greatest honor is serving this country and the Constitution that protects it. I've been grateful for the opportunity to do so every day as a federal prosecutor, and I look forward to continuing to do so."

Hermiston mayor David Drotzmann released his own statement:

"(Bounds) was yet

another victim of the ugly, partisan politics that's occurring right now in Washington, D.C. The Senate had an opportunity to appoint a good person to the 9th Circuit with a long history of great and moderate decisions. Hermistonians and all Oregonians lost today."

Democrats had been incensed that Republicans were moving ahead despite the objections of both home-state senators, saying the GOP was discarding Senate courtesy and tradition.

The Senate gives lawmakers a chance to weigh in on a judicial nominee from their home state by submitting a blue-colored form called the "blue slip." A positive blue slip signals the Senate can move forward with the nomination process. The blue slip is designed to generate consultation between the executive branch and Congress. The two Oregon senators signaled their objections by not returning blue slips, which would generally stall a nomination.

This time, Republicans opted to move forward any-

way, which meant that if Bounds had been confirmed, it would have been the first time since at least 1956 and possibly much longer that a nominee had been confirmed without positive blue slips from both home-state senators.

Sen. Dianne Feinstein, the ranking Democrat on the Senate Judiciary Committee, called Bounds "a deeply flawed nominee who concealed his views during the nominations process, which is why I strongly opposed him in committee."

Merkley and Wyden said they had spoken in detail with colleagues in recent days about Bounds but were afraid the issue was getting lost.

"I'm still somewhat surprised that we had a successful outcome," Merkley said. "I do not feel this individual was the right person to serve on the bench, but I'm very pleased my colleagues had a long discussion about it over lunch and decided to take the course you saw them take by asking the president to withdraw the nomination."

# FIRES: Gov. Brown says the fire may have been intentionally set, will investigate

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the advancing flames and the rest of the field. That gives firefighters a chance to get ahead of the blaze.

"Without the help of the farmers, this thing wouldn't get stopped," von Borstel said. "There are lots of us out there. We look out for each other."

Von Borstel's crops so far are untouched, but his cousin lost just over a square mile on Wednesday and the fire is just a few miles from his home.

The blaze has scorched nearly 80 square miles of wheat fields and grasslands since igniting Tuesday.

Oregon Gov. Kate Brown said the fire may have been intentionally set and the state will help investigate. Nearly 180 firefighters were heading to protect homes and other structures in the hardest-hit areas.

Authorities have told residents of 900 homes to evacuate or be ready to go as the flames spread rapidly.

The wheat at risk isn't good for making bread and is primarily shipped to Asian markets — particularly Japan and Korea — for use in ramen noodles, steamed breads and flatbreads.

The crop this year looked particularly bountiful, with farmers estimating they might get 15 or 20 bushels more per acre than the average 55. The wheat would normally be harvested within the next 10 days.

Each crop takes two years to grow because farmers leave half the land fallow to improve environmental conditions and reduce erosion.

"There's some years when you wouldn't mind your wheat crop burning, but this isn't one of them. I don't know how much crop has burned and it's still burning," said Tom McCoy, who lost 300 acres overnight.

He estimates the lost value at about \$91,000.

He's insured, but this year's crop looked so good he worries he might not have had enough insurance and



Mark B. Gibson/The Dalles Chronicle via AP

In this Wednesday photo smoke from the Gordon Ridge Area, just south of the Deschutes River in Sherman County, billows behind Locust Grove Church.

will still wind up with less than he would have gotten on the market.

"There has been tens of thousands of acres of cropland lost," said Logan Padget, a fifth-generation wheat farmer who was battling the flames Thursday.

"I've heard that some people have lost literally everything. ... You've got two years' worth of effort that's coming down to a two-week harvest, and all your time and care and effort for the land is wasted."

Darren Padget, a farmer near Grass Valley, said many local farmers have never seen anything quite like this fire.

"We've had plenty of fires before," said Padget. "(This) was unlike anything we've ever seen out here."

Padget, who also serves on the Oregon Wheat Commission, said it is normal for farmers in the region to team up and help fight fires, keeping water trucks and disc plows on hand for emergencies.

"The first thing you do is get the discs going," Padget said. "Normally, that would be enough to slow it down."

The Substation fire, however, spread 18 miles during its initial run, pushed south and east by wind gusts up to 35 mph.

At times, Padget said smoke was so thick he could barely see his hand in front of his face, and flames easily jumped their fire lines.

"Nature has a way of letting you know who is in charge," Padget said.

Brian Tuck, the local dryland crops specialist for Oregon State University Extension Service, said wheat harvest began earlier this month but has been interrupted by the fire while growers feverishly work to protect their crop.

Tuck said he is not certain how many acres of unharvested wheat have burned, but commiserates that some areas in the two counties were anticipating higher-than-average yields thanks to timely spring rains. Fields that normally would have cut 55-60 bushels per acre may have yielded upwards of 80-90 bushels per acre, he said.

"The sad part is this (fire) is burning up a bunch of wheat that wasn't harvested," Tuck said.

Soft white wheat, the predominant variety grown in Eastern Oregon, is currently trading at \$5.90 per bushel out of Portland. Per the 2012 Census of Agriculture, Sherman and Wasco counties grow a combined 186,135 acres of wheat — which

ranks third and fifth in the state, respectively.

While Padget said he has not personally lost any wheat to the fire, he knows that can change quickly given the fire's unpredictability.

Once the fire is extinguished, Padget and Tuck both said the main concern will shift to soil erosion on the charred landscape, stripping fields of vital nutrients.

Tuck said agencies will need to gather and discuss what resources are available to help farmers mitigate those risks.

"Erosion for this winter is going to be a concern," he said. "If we avoid a hard, severe winter, that will be to our advantage."

Wes Jennings, farm pro-

gram chief for the USDA Farm Service Agency in Oregon, said they do offer emergency relief for farmers and ranchers, but it is still too early to tell which programs will kick in after the fire.

"It's going to be on a case-by-case basis," Jennings said. He advised producers to call their local county FSA offices as soon as possible to determine the next steps to take. Wheat farmers will likely have to lean on crop insurance, he said.

Until then, Padget said the number one priority for farmers is to protect themselves and their property.

"We'll be talking about this for a long, long time to come," Padget said.

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Mark Graves/The Oregonian via AP

A fast-moving fire continues to rage across Wasco County southeast of The Dalles.