

SIX WALLOWA COUNTY WRESTLERS GO TO STATE CHAMPIONSHIP

Enterprise High School wrestler Trace Evans placed third at 138 pounds. | A8



WALLOWA COUNTY CHIEFTAIN



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\$1

SNOWPLOW

Keeping winter roads open



The Wallowa County plow clears the downhill lane on Reavis Lane. "We try not to dead-head," said driver Ron Jensen. "But on some roads you just have to go up and come back down."

By Ellen Morris Bishop
Wallowa County Chieftain

On a morning with 4 inches of fresh snow on the ground and more coming, Bret Witty swings up into his big orange ODOT snowplow with its 432-horsepower Cummins diesel grumbling under the hood, and sets out to clear Hwy 82 from Enterprise to Minam and back. The trip will take a little more than an hour, with the plow moving at speeds of 35 to 40 mph, its right-side wing and front plow clearing a 14-foot swath of road.

February snowfall just seems to keep coming, although as of Saturday, the snowpack at Aneroid had dropped to 79 percent of the 30-year average, while Mount Howard held 91 percent. The job of keeping roads passable and safe falls mostly to the Oregon Department of Transportation, which clears Oregon Highway 82, the North Highway (OR 3) and the Imnaha Highway (OR 350) and to Wallowa County Road Department plows and graders that clear the other 700 miles or so. ODOT has eight drivers who

See Snowplow, Page A10



Ellen Morris Bishop

Bret Witty has driven snowplows for more than 30 years, following in a long family history of working for County and State Road Departments.

Report: Sixth Amendment protections lacking in Oregon

By Christian Ambrosion
Wallowa County Chieftain

The U.S. Constitution is the bedrock of our democracy, and the Bill of Rights is the safeguard of the people. Late last year, in a devastating blow to Oregon's judicial system, an independent report held no punches, suggesting that Oregon's system for providing public defense to low-income people is not up to snuff as required by the Sixth Amendment of the U.S. Constitution.

Public defenders in Oregon have been saying for years that low pay, lack of oversight and overburdensome case-loads create a systematic equity issue for low-income defendants throughout the state.

The Sixth Amendment guarantees every person — presumed innocent until proven guilty — the right to legal counsel for their defense. In 1963, the U.S. Supreme Court clarified that any individual who cannot afford an attorney "cannot be assured a fair trial unless counsel is provided for him."

This means that the State has an obligation to provide a competent and effective attorney to represent low-income individuals accused of a crime. While it's hard for some to accept, public defenders are a constitutional necessity.

There's plenty wrong with the way that Oregon administers its system of public defense for low-income Oregonians. However two main issues are central to the crisis. The same issues affect rural areas, like Wallowa County, in a very different way than urban areas, according to Portland defense attorney, Russell Barnett.

Barnett agrees with the independent report that Oregon's problem is the way public defenders are paid. Not only are they paid much less relative to prosecutors, but also are paid on a flat-fee basis. This leaves little incentive for public defenders to swiftly resolve cases, often to the detriment of the legal rights of their clients.

It's not that public defenders have malicious intent, it's just that with the low rate of pay, and high volume of cases, they can't afford to take a case to trial on a small flat fee when their legal adversary is paid a much more enticing salary.

In rural areas like Wallowa County, the problem is a bit more complex. "It affects rural areas differently," said Barnett. "Many times there aren't enough cases to sustain an attorney" on a permanent basis. For Wallowa County, public defenders often have to travel from La Grande or further, giving more strain on an already stretched system.

So what's left are swaths of potentially innocently accused people who are being denied their Constitutional rights on a regular basis.

See Report, Page A5

Joseph marijuana dispensary committee disbands

By Steve Tool
Wallowa County Chieftain

Joseph mayor, Teresa Sajonia, created a marijuana dispensary committee after some controversy arose among interested parties regarding a possible amendment to city ordinance 2015-01. The ordinance contains zoning regulations for marijuana dispensaries. The city voted to allow recreational dispensaries in the November 2018 election.

The six-member committee includes council members Marty Hamilton, who is the committee chair and Pearl Sturm. Other members include former law enforcement officer Ken Pagano, Wallowa County Sheriff's Office deputy, Lem McBurney and former council member Tyler Evans. LUCS applicants, Zeb Burke and Jim McCormack also regularly attended meetings.

The bone of contention between committee members and those who have filed Land Use Compatibility Statements with the intention of opening a dispensary is contained in Article 11.040 3 of the ordinance, which does not allow dispensaries to be located within 1,000 feet of each other. The state has no such regulation.

The city's limited amount of space would probably allow only one dispensary within the city limits. This is because state law does not allow for dispensaries within 1,000 feet of a school, and the centrally located Joseph Charter School cuts a wide swath through the city. The state has no such regulation concerning the proximity of dispensaries.

Before addressing the ordinance issue, several attending citizens raised



Steve Tool/Chieftain

Peace Pipe store owner, Sean Flanagan, shakes hands with Joseph mayor, Teresa Sajonia, after she signed off on a Land Use Compatibility Statement that allows Flanagan to apply for a recreational marijuana dispensary with the Oregon Liquor Control Commission.

See Pot, Page A10

