

Oregon News

Malheur Sheriff: Reporters at Vale paper protected by 1st Amendment

■ The county’s attorney asked sheriff to review whether emails and phone calls from the Malheur Enterprise to economic development officials constituted harassment

By Andrew Selsky
Associated Press

VALE — Journalists in Oregon and beyond have risen in defense of a small newspaper after a county attorney asked the sheriff to investigate whether its journalists broke the law for trying to get comments from government officials after business hours.

Staffers at the Malheur Enterprise, a weekly newspaper in the remote town of Vale, said they were just doing their job.

“We’re not going to be bullied,” said editor Les Zaitz. Malheur County Sheriff Brian Wolfe said Wednesday an inquiry determined no laws had been broken.

“As an elected sheriff, we will always respect the constitutional rights of anybody and everybody. We do believe in freedom of the press and free speech that we believe are our rights given by the Constitution of the United States,” Wolfe said.

The newspaper had been investigating why a car wash did not receive a five-year exemption for local property taxes that was allegedly promised. Bluebird Express

“We looked at harassment, telephonic harassment — really neither one comes close in this situation.”

— **Brian Wolfe, Malheur County sheriff**

Car Wash built a \$4.5 million installation in the town of Ontario after it understood it received the exemption, representing about \$335,000.

Greg Smith, the director for economic development for Malheur County, is responsible for determining and negotiating property tax exemptions. Malheur Enterprise reporter Pat Caldwell sought several times to get comment from Smith, who is also a Republican member of the Oregon Legislature.

“This is an effort to get accurate information,” said Zaitz, a former investigative reporter with The Oregonian newspaper and a two-time Pulitzer Prize finalist. “The public is entitled to that information — not only entitled to that information, it deserves it.”

Smith responded only after the story was published on

Aug. 14 with the headline “Malheur County lured company to Ontario with tax break promise, then doesn’t deliver.”

In a statement that the newspaper published online, Smith said no “pre-application” for a property tax exemption had been approved or signed.

“Over the last six months, me and my staff have been subjected to endless phone calls, hostile emails at all hours of the day and unwelcome office visits,” Smith asserted.

Zaitz said Caldwell sent two emails to Smith during business hours seeking comment. Zaitz said he felt it was his duty to email Smith on Saturday to provide every opportunity to comment before the newspaper went to press. Located in a small Old West-style building, the weekly publishes 1,400 copies, with additional paid online subscribers.

County Counsel Stephanie Williams asked the sheriff to determine if emails and calls to county economic development officials constituted a crime.

“We looked at harassment, telephonic harassment — really neither one comes close in this situation,” Wolfe said.

The reactions to the investigation varied widely.

One person told Wolfe that if he jailed the journalists, he would deserve to be voted out of office. Another person left a voicemail saying the press reports fake news and the sheriff should do whatever he wants with the journalists.

The Oregon chapter of the Society of Professional Journalists issued a statement rebuking county officials for asking the sheriff to investigate.

“Journalists doggedly pursue the stories they’re working on to inform the public and their readership of what is important to their communities,” said Amanda Waldroupe, president of Oregon SPJ.

Journalists from elsewhere voiced their support.

“The Fort Bragg Advocate-News and Mendocino Beacon here in California stand with you, Malheur Enterprise. Your public servants ought to grow a hide and get used to those weekend emails,” the newspapers tweeted.

State defends nonunanimous verdicts

By Andrew Selsky
Associated Press

SALEM — Oregon’s criminal justice system would be “overwhelmed” if the U.S. Supreme Court rules in an upcoming case that nonunanimous jury verdicts are unconstitutional, the state’s attorney general has told the court.

Attorney General Ellen Rosenblum said in an amicus brief Friday that if the U.S. Supreme Court finds nonunanimous juries unconstitutional, it could invalidate hundreds or even thousands of convictions in Oregon.

Oregon is the only state in America allowing 11-1 or 10-2 jury verdicts in criminal trials, except first-degree murder convictions.

Critics say Rosenblum is defending a system that should be abandoned, as voters in Louisiana, the only other state that permitted nonunanimous verdicts, did in 2018.

“The state’s brief presents a parade of horrors that may or may not come to pass. However, that is not a reason to continue a practice rooted in racial and ethnic discrimination,” said Marc Brown, a public defender in Oregon whose clients in-

clude ones appealing nonunanimous guilty verdicts.

The decision by Louisiana voters was not retroactive; it took effect Jan. 1.

The U.S. Supreme Court this fall will hear a case of Evangelisto Ramos, a Louisiana man convicted by a nonunanimous jury in 2016 of second-degree murder of a woman in New Orleans. Ramos is serving a life sentence with no chance of parole.

Michael Kron, special counsel to Oregon’s attorney general, said that if the Supreme Court rules in favor of Ramos, it would be reversing its 1972 ruling that the Constitution does not bar states from allowing nonunanimous verdicts.

Rosenblum told the Supreme Court that if it overturns that ruling and decides that nonunanimous juries are unconstitutional, Oregon’s criminal justice system will be glutted. “Such a ruling would automatically require retrial in many hundreds, if not thousands, of cases on direct review,” Rosenblum told the court.

Even convictions that were unanimous could be called into question, because a judge instructing jurors

that they could reach a nonunanimous decision could be grounds for an appeal.

“In many cases, particularly the older cases, retrial will likely be impossible because of the impact that the passage of time will have on the prosecution’s case as witnesses disappear, memories fade, and evidence is lost,” the attorney general wrote.

Several Oregon lawmakers recently sponsored a resolution calling for a ballot measure to repeal an amendment to the state constitution allowing nonunanimous verdicts.

The resolution unanimously passed the House, but died in Senate as it dealt with a walkout by Republican members in the final days of the legislative session.

The decision by Oregon voters in 1934 to allow split-jury verdicts was fueled by white supremacy and anti-minority sentiment. One newspaper said immigrants from Southern and Eastern Europe had made the requirement for unanimous verdicts “unwieldy and unsatisfactory.”

Rosenblum said she supports a repeal, noting the jury rule’s links to racism and anti-Semitism. But she

said such a change should be for cases “going forward,” not retroactively.

B2H cost so far at \$100 million

By Phil Wright
East Oregonian

PENDLETON — The massive Boardman to Hemingway Transmission Line has cost around \$100 million without the installation of a single utility pole.

The 300-plus-mile, 500-kilovolt line could be ready to carry juice as early as 2026 at a cost of \$1 billion or more.

Idaho Power, PacificCorp and Bonneville Power Administration teamed up on the project, and Idaho Power is spearheading the local, state and federal permitting work. Sven Berg, Idaho Power spokesperson, explained that is because the company identified the need for a big transmission line in its 2006 Integrated Resource Plan — or IRP — which projects for future electrical needs and how to meet those needs.

Idaho Power, however, has the smallest share of the line capacity and thus the project costs at 21%, while the BPA has a 24% share and PacificCorp the remaining 55%.

In other words, Berg said, if the line costs an even \$1 billion, Idaho Power’s portion of the tab is \$210 million.

The \$100 million the 13-year-old project has cost so far is for staff time, attorneys and the reams of paperwork to wade through the lengthy permitting processes. That includes with the Oregon Department of Energy, which on Thursday closed the public comment period on its “draft proposed order” recommending the state Energy Facility Siting Council approve Idaho Power’s application for a site certificate for the line.

Berg said the company’s team is reviewing the comments

“We’re anticipating a contested case,” he said.

That is, opponents to the project, namely the La Grande-based Stop B2H Coalition, who spoke out in a series of public hearings in early summer and provided additional comments in writing.

Berg said Idaho Power has until Sept. 23 to respond to those comments, then would come the “quasi-judicial” appeals process.B2

And if all goes well for Idaho Power, he said, the state’s draft proposed order would become the proposed order by the end of the year, with the final order and permitting coming in 2021. Construction would begin in 2022, wrap up four years later, and Boardman to Hemingway would go live soon after.

Berg said B2H is one of Idaho Power’s biggest projects since the Hells Canyon Complex of dams in the 1960s.

“We see this as crucial to ushering in the clean energy future we envision,” he said.

Idaho Power’s goal is to use only renewable energy by 2045 amid the growing population of the northwestern United States. The existing power lines are at capacity, according to Idaho Power, and B2H would alleviate Oregon’s high-power needs in the winter and the Mountain West’s increased need for electricity in the summer without having to build new generating plants. The line, then, would integrate the region, Berg said, and make power more reliable.



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Man sentenced to community service for poaching gray wolf

MEDFORD — A 22-year-old Oregon man was sentenced Aug. 19 to 100 hours of community service and ordered to pay restitution of \$2,500 in the 2016 poaching of an endangered gray wolf.

Colton Tony Dick, of Oakridge, pleaded guilty to one count of unlawfully taking an endangered species in U.S. District Court. As part of a plea agreement, Dick avoided jail time and instead agreed to one year of supervised release. He also forfeited his hunting privileges for one year.

Wolves are still listed as a

federally endangered species in Oregon west of highways 395, 78 and 95. The charge normally carries a maximum penalty of one year in prison and \$100,000 fine.

According to court documents, Dick shot at a wolf that was walking away from him in the Fremont-Winema National Forest on Oct. 5, 2016, using a rifle and scope. Though he did not admit to killing the wolf, it was found dead the next day near Summer Lake.

The U.S. Fish and Wildlife Service Forensic Lab determined the wolf, an adult

collared female known as OR-28, died from a single gunshot wound.

Oregon’s Wolf Conservation and Management Plan does allow for killing wolves in defense of human life, or if the predators are caught in the act of attacking livestock. But in this case, authorities determined Dick did not have legal justification for shooting.

Dick could not immediately be reached for comment. The government will allow Dick to withdraw his guilty plea and may have the charge dismissed if he complies with the terms of the sentence.