

EDITORIAL

Journalism, questions and ‘crime’

Journalists can be annoying. Might as well concede that from the start. We ask questions that people sometimes would prefer not to answer. Often these people work for the government or otherwise receive public dollars. But the notion that querying public officials could even conceivably constitute a crime is so antithetical to America’s commitment to constitutionally enshrined press freedom that a reasonable person might well assume it’s part of a fictional plot rather than reality.

Not so in Malheur County. The county’s attorney, Stephanie Williams, recently asked Malheur Sheriff Brian Wolfe to determine whether phone calls and emails from journalists at the Malheur Enterprise in Vale to economic development officials, contacts that happened outside regular business hours, could meet the legal definition of harassment.

Wolfe told The Associated Press that neither the calls nor the emails “comes close” to a crime. This hardly qualifies as a relief. Of course it’s not a crime for a journalist to phone or email a public official.

And it’s equally obvious that the First Amendment is silent on the matter of regular business hours. Williams’ request that Wolfe investigate journalists’ legitimate work is obnoxious on its face. But the episode is even more perplexing, and troubling, because the Enterprise’s efforts to get comments from Greg Smith, who contracts with Malheur County for economic development work (and until July 1 had a similar contract with Baker County), were such a fundamental, even banal, part of responsible journalism.

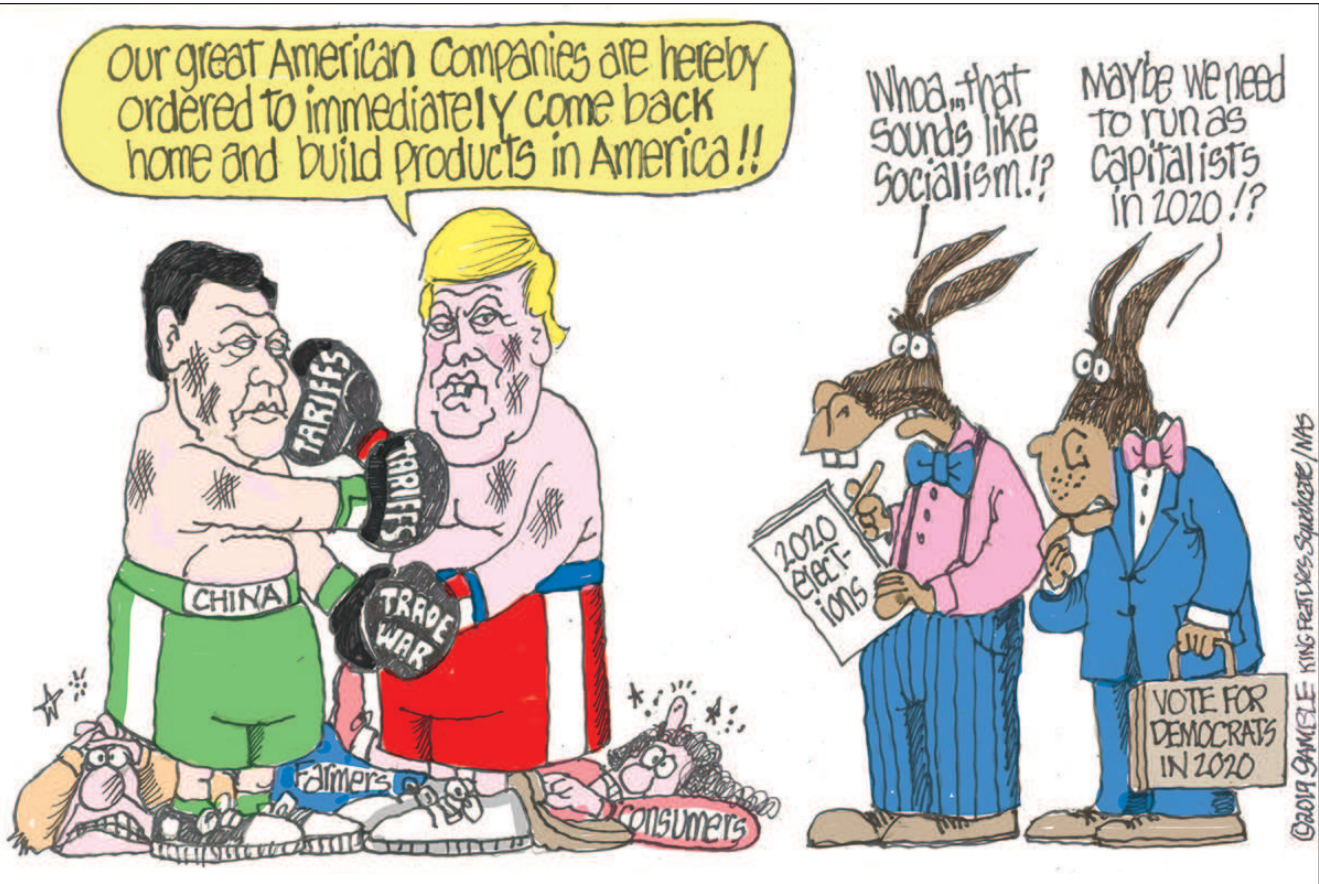
This wasn’t a case of photographers and videographers congregating on the sidewalk in front of some embattled politician’s home. That’s equally protected under the U.S. Constitution, to be sure.

But it’s likely that most people, were they told that a sheriff had checked up on journalists’ activities, would imagine some sort of high-profile melee rather than a reporter making phone calls and sending emails seeking comment on a pending story.

It seems improbable that the Malheur County fiasco will embolden government officials elsewhere to follow Williams’ lead.

Whatever their feelings about journalists, they should be familiar enough with the First Amendment to recognize that siccing a sheriff on a newspaper not only is futile, but that it also comes closer to harassment than asking questions does.

— Jayson Jacoby, Baker City Herald editor



Bulletin purchase an opportunity

When Heidi Wright called me June 3 to suggest that our company should take a look at bidding on Bend’s daily newspaper, The Bulletin, I was at once startled, skeptical and intrigued. We hired Heidi as our chief operating officer in June 2017 — away from The Bulletin, where she had been the chief financial officer of its parent company, Western Communications. At that point, we had just bid on two other newspapers out of Wescom’s bankruptcy in Baker City and La Grande. Pursuing the Bulletin prospect, the board of EO Media Group convened two impromptu meetings. For the first of these sessions, at the Sheraton Portland Airport Hotel, we invited Daily Astorian Publisher Kari Borgen, who had also worked within Western Communications. Asked what she thought of the opportunity, Kari said: “It’s exciting and it’s scary.” That typified our deliberations, during which we probed the risks and assessed the promise. My daughter, Susan Forrester Rana, flew up from Oakland for our second board meeting, during which we set our top bid for The Bulletin. By this time my cousin, Kathryn Brown, had made contact with a longtime family associate who is an executive of the Bank of Eastern Oregon. In addition to that bank financing, Heidi was speaking with prospective investors in Bend who were eager to have our pursuit of ownership succeed. The auction on July 29 occurred in the office of the Portland law firm Tonkon Torp. Our group — including my cousin Kathryn, Heidi, our CFO Rick Hansen and our lawyers — were placed in one room while the three-



STEVE FORRESTER

man team from Adams Publishing Group was in another. Rhode Island Suburban Newspapers, the party that made the initial bid on The Bulletin, did not show up for the auction. To honor our family’s ambitions and the gravity of the moment, Kathryn wore a Pendleton jacket that had belonged to my mother, Eleanor. At 10 a.m. we moved to another conference room — the bidding site. When the Adams trio entered, we stood to greet them. Mark Adams, the company’s CEO, sat two seats away from me; Heidi was to my left. In a thrilling auction that would last 15 minutes, Adams would be their bidder, Heidi ours. The bidding requirement was to raise by minimum increments of \$50,000, beginning at \$2.55 million. After the initial round of bidding drove the price to \$3.05 million, the Adams group left the room to confer privately. There was a second conference at the \$3.45 million mark, after which Mark Adams jumped the bid to \$3.6 million. Heidi hesitated for what seemed to me 20 seconds. But Rick clocked it at 15 seconds. Even though we were below our ceiling, her hesitation seemed an eternity. Instead of raising our bid, Mark Adams graciously congratulated us on our acquisition. In taking ownership of The Bulletin, our company is not simply buying another property. It is taking hold of a journalistic opportunity that will become immensely significant to all of

Oregon. With the decline of formerly influential daily newspapers such as The Register-Guard of Eugene and others, The Bulletin will become a beacon in a part of Oregon that is gaining economic, cultural and political significance. The Bulletin will become a heavyweight partner for our Eastern Oregon newspapers in Umatilla, Union, Baker, Wallowa and Grant counties — and for our papers on the Oregon and Washington coast and the Capital Press as well. Our newspaper group fosters a culture of collaboration. That has allowed us to punch well above our weight. In collaboration with the Pamplin Media Group, we have formed a statehouse bureau that reverses the decline in coverage of the Oregon Legislature and state agencies. In 2006 our papers collaborated on a series of articles about climate change. In addition to pieces that were informed by science, each newspaper developed cameos of scientists, naturalists, farmers and fishers who spoke about what they were noticing in their region’s natural environment. That series won an award of Special Merit in the national Grantham Prize competition. The environment and climate change are the primary issues of the 21st century. Our series — 13 years old — is ripe for an update. And The Bulletin’s participation in such a venture would give a new series even more impact.

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GUEST EDITORIAL

Editorial from The Albany Democrat-Herald: Nearly two months have passed since the 2019 Legislature wrapped up its work, but there’s still plenty of confusion surrounding one of the session’s most significant bills, the measure that limits how the death penalty can be applied in Oregon. The key question is this: Is the bill retroactive — that is, does it apply to the 31 inmates who currently are on death row in Oregon? One of the bill’s key backers, state Sen. Floyd Prozanski, a Eugene Democrat, has said a special legislative session is required to make it clear the law doesn’t apply to death penalty cases sent back for new sentencing hearings as well as new trials. But another backer, former House Majority Leader Jennifer Williamson, D-Portland, has said no additional work is needed on the bill and that it always was intended to cover situations such as new sentencing hearings in old cases and new trials. A recent opinion by the state Department of Justice sided with Williamson’s interpretation, noting that the new law applies to death penalty convictions and sentences that have been overturned, in addition to pending cases. The measure in question, Senate Bill 1013, narrows the definition of “aggravated murder,” the only crime in Oregon that can be punished by death.

The death penalty in Oregon now can only be applied in four types of crimes: killings motivated by terrorism, murders of children 14 years or younger, killings by an incarcerated person who’s serving a previous aggravated murder sentence and premeditated killings of police or corrections officers. Other crimes that used to be considered aggravated murder, such as slayings committed during a rape or robbery, no longer can be punished with the death penalty. The bill was carefully constructed (perhaps too carefully) to ensure that it didn’t require a vote of the people; such a vote would be required of a measure that called for completely doing away with the death penalty. It’s probably fair to say that many, if not most, legislators believed that the bill was not meant to apply retroactively. In that light, the measure didn’t seem likely to make much difference for death-row inmates: It’s been more than two decades since Oregon executed a prisoner and Gov. Kate Brown is continuing a moratorium on the death penalty that was instituted by her predecessor, John Kitzhaber. But the idea that the bill could be applied retroactively to some cases changes that calculation to some extent: As The Oregonian’s Noelle Crombie reported, it’s not at all unusual for aggravated-murder convictions or death penalty sentences to be over-

turned or remanded to a lower court. In fact, Crombie noted, seven cases have been reversed in the last 2½ years, and not one of Oregon’s death row inmates has exhausted his or her legal challenges. It would be interesting to see if legislators approach the bill differently should it come up again in a special session or next year’s short session. Regardless of what happens to Senate Bill 1013, legislators should stop sneaking around the issue of the death penalty and fully confront it by referring to voters a measure to abolish capital punishment in Oregon. Oregonians have a long and tangled history with the death penalty. Capital punishment was outlawed by Oregon voters in 1914 and then reenacted in 1978. Three years later, the state Supreme Court ruled that the death penalty was unconstitutional, a ruling that paved the way for a 1984 initiative in which voters reaffirmed capital punishment. Since then, the topic rarely has been revisited in Oregon, and the gubernatorial moratoriums have had the effect of sweeping the debate about capital punishment under the rug. Meanwhile, the national conversation about the death penalty has taken fascinating turns. It’s been almost four decades since state voters affirmed the death penalty. It’s long past time to bring this conversation to all of Oregon.

Letters to the editor

- We welcome letters on any issue of public interest. Customer complaints about specific businesses will not be printed.
- The Baker City Herald will not knowingly print false or misleading claims. However, we cannot verify the accuracy of all statements in letters to the editor.
- Letters are limited to 350 words; longer letters will be edited for length. Writers are limited to one letter every 15 days.
- The writer must sign the letter and include an address and phone number (for verification only). Letters that do not include this information cannot be published.
- Letters will be edited for brevity, grammar, taste and legal reasons.

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