

# Justice not served in Hammond case

By any measure, the five-year sentence given to Eastern Oregon rancher Dwight Hammond and his son Steven was excessive.

That's probably the one point on which all sides of the case can agree.

Beyond that, opinions vary on what level of punishment would have been fair in a case that illustrates the shortcomings of a skewed legal system and a federal agency whose employees — at least one of them — use government resources to reveal their biases and criticize the Hammonds.

The case grew out of an ongoing dispute between the Hammonds and the U.S. Bureau of Land Management.

Let's back up a few years, to 2001, to be exact. That's when the 139-acre blaze called the Hardie-Hammond Fire was set on the Steens Mountain Cooperative Management and Protection Area, according to court documents.

In 2006, the Krumbo Butte Fire was set, burning 1 acre of public land, according to court documents.

In each case, the Hammonds had leased the land to graze their cattle. Fire is an oft-used tool to clear land of weeds, juniper and other invasive plants, but the Hammonds had no permission to set fires on public land.

In 2012, the Hammonds were taken to court. After a two-week trial, Dwight Hammond was convicted of setting the first fire and sentenced to three months in prison. His son Steven was convicted of setting the second fire and sentenced to one year in prison. Both also received three years of supervised release.

The Pendleton, Ore., jury acquitted the father and son of setting two other fires and the government dismissed those charges.

At the sentencing, U.S. District Judge Michael Hogan opted for the lighter sentences, but the prosecutor appealed to the 9th U.S. Circuit Court of Appeals, which agreed with him that a mandatory sentence can't be ignored.

Two weeks ago, U.S. District Judge Ann Aiken resentenced the Hammonds to five years in prison.

Though legally correct, the sentence is patently unfair.

The Hammonds were charged with violating a federal law that carried with it a minimum sentence of five years in prison. The law is aimed at crimes in which terrorists or others destroy federal property through bomb blasts or arson.

Though exercising extraordinarily poor judgment in starting field burns on federal land without permission, the Hammonds are not terrorists.

Other federal laws that carry five-year minimum sentences address treason, child pornography, using a gun while committing a violent crime or importing drugs.

Burning 140 acres of back country hardly compares with any of those crimes.

That's the danger when Congress decides to tell judges how to do their jobs. Judges must have latitude to use their judgment in deciding sentences that fit the crimes. That's the whole point of having judges.

When he originally sentenced the Hammonds, Hogan described five years in prison as cruel and unusual and said such sentences would "shock the conscience."

He was correct. When people such as the Hammonds are caught in a net that was set for terrorists, justice is not well-served.

A sideshow to this frustrating and unfair case involves a BLM employee who used a government computer while on the taxpayers' time to post comments criticizing the Hammonds on the Capital Press website.

Such an occurrence only reinforces what we have long believed — that some federal employees have personal agendas that deviate from public policy. If this particular employee really looks at ranchers as "clowns" who endanger people, as he said in his comment, then he needs to reassess his career choice.

In hindsight, this case should have been settled before trial. It would have saved the public the enormous expense of a trial, appeal, resentencing and providing the Hammonds with room and board for five years at a federal prison.

And the Hammonds would now permanently be at home, where they belong.

## CORRECTION

A headline and opening in last week's paper, on an opinion article written by Frances Preston, incorrectly referred to a forest plan rather than to forest lands. The writer's preferred term was "coordination or collaboration." And her final sentence should have asked readers to "provide your input in the form of letters to the editor."

The Eagle regrets these editing errors.

## WHERE TO WRITE

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# GCRA – An uncut gem

One year ago I resigned my position on the Grant County Regional Airport (GCRA) Commission after 11 years of dedicated service, maximum attendance at monthly and extra meetings, and even participating via monthly conference calls during my absences to the Philippines.

I was invited to become a commissioner because I owned an airplane and hangar at GCRA, was an instrument rated private pilot as well as having flown many missions in U.S. Air force fighter jets, was a Senior FAA Aviation Medical Examiner, and was a military flight surgeon. During my time on the Commission I made many personal friends and have high individual regard for my fellow commissioners as well as members of the Grant County Court.

I resigned because of numerous frustrations related to our not capitalizing on the economic and civic potentials of GCRA.

My concerns were based on the development of a group complacency on the part of the GCRA Commission and the Grant County Court which may have been influenced by the fact six years earlier we had an airport manager who dreamed of our new \$5.2 million terminal building becoming a reality. His motivation and vision were lost when he left the position for a similar one in another city at almost twice what he was earning at GCRA.

We were told the salary we could pay was limited by rule. I was informed by a previous County Judge when I protested the loss of the manager that I "just did not understand". The Commission came to accept the status quo with the platitude "We are

getting what we can afford to pay for". This combination of flawed thinking and lack of imagination herald the failure to accomplish the promise of GCRA.

As an ex-baseball player through my college years and an avid fan of the sport, I have been impressed by the administration of major league teams. They each have a field manager who is in charge of day-to-day activities, the lineup, the field strategy, and the player positioning and replacement as the game progresses. However, the manager is responsible to the general manager (front office) for the success or failure of his endeavors. His job depends on it.

GCRA needs a general manager. This person should have previous airport operations experience, management and marketing skills, and a desire to bring GCRA to its unmet potentials.

This general manager would oversee the performance of the manager and at the same time be out in the local, state, and regional community looking for ways to enhance the GCRA potential. He would be in control of fuel pricing, marketing unused office space at GCRA, establishing contracts with local food vendors, marketing the community use of the conference room for meetings and celebratory occasions, searching out commercial aviation potentials, work as a liaison with the Oregon Department of Aviation and the Federal Aviation Administration, have an influence in replacing antiquated and dangerous equipment, and, in general, putting GCRA, and therefore Grant County, "on the map". The general manager would be the individual answering to the GCRA

Commission and the County Court.

The proposal is not to replace the current manager but rather to add control at a higher level in order to allow the manager to do the job for which he was hired and to remove the onerous responsibilities he has inherited.

GCRA is one of very few income producing county owned and operated agencies. It must be regarded as such and, in an atmosphere of no progress, is not only a failure but an embarrassment. The airport has the potential to change Grant County into a destination and into a business hub with resultant economic growth for the area. The Court must be able to offer salaries commensurate with today's market in order to attract people and to prevent the loss of talent for salaries we refuse to pay based on antiquated rules. Imaginative hiring tools must be activated in order to modernize the administrative structure of GCRA. The new position of general manager would soon pay for itself in terms of an increase in airport revenues, not to mention the positive economic influence of GCRA operating at its true capabilities.

The GCRA Commission should be regarded as the front line evaluator and the director of airport personnel, with the Court taking its lead from these findings. To work from the premise that, "This is the way it's always been" is a dereliction of duties and obligations to the citizenry in a place which my family and I call home.

Grant County deserves better.

**Joseph Intile, MD, FACP,  
Colonel (retired)  
Mt. Vernon**

## LETTERS TO THE EDITOR

### How similar action would be reported in 1776

To the Editor:

Based on an unsigned column in last week's Eagle, railing against the Sheriff and his hand-picked "band of deputies" who are responsible for a county natural resource plan, similar reporting on an action in 1776 would be reported by the Blue Mountain Eagle as this:

A hand-picked "band of patriots" have hatched a document in secret. This reckless move which involved the sheriff has not been approved by the King or his governors. The so-called plan should have been immediately available to the powers that be and at the very least had input from the loyalist segment of the colony.

This illegal action has caused considerable consternation among the royal court and could disrupt "collaboration" that has become the norm in recent years.

The audacity of locals to formulate their own ideas based on a "law" is folly. Though this "coordination" may have been effective in other colonies, we are staunch supporters of collaboration. We know which side our bread is buttered on.

It is rumored this resource plan will be introduced as a county initiative for a vote of the people. Vote!!!! Who do these people think they are? Their reckless plot could well incite independence.

**Dave Traylor  
John Day**

### Gochnour's letter a wasted effort

Letter to the Editor:

Doug Gochnour, past Malheur National Forest supervisor, referenced he has been busy in his Oct. 21 letter to the editor contacting Martha the retired schoolteacher from Miami, Bob the Wall Street banker, hard core enviro's from Portland, Walter the retired janitor from S. Carolina and for good measure, the 325 million owners of the Malheur Forest.

Doug, you have been busy but it is still questionable if you have credibility here in Grant County. Too well we remember the travel management plan of several years ago. A packed audience heard your spokesperson say "Please hold your questions until after the supervisor speaks." Citizens dutifully heard you through and to their amazement and dismay you ducked out the back door and had the gall to later say "I had no intention of answering questions."

Doug, your letter to the editor was a wasted effort. Perhaps Martha, Bob, the enviro's and Walter may believe you but I have doubts about 325 million people throwing in with you.

**Gregg Haberly  
John Day**

### Public comment period removed

Letter to the Editor:

Tired of hearing that people want an open motorized access forest, the Grant County Court abolishes

the public comment period from the court agenda.

Two weeks ago, the court removed public comment from the county court meetings, effectively abolishing your rights to speak out on topics the court has jurisdiction over and in what seems to be an attempt to help move the Forest Service agenda ahead to restrict motorized access in Grant County.

Apparently it is more effective for the court to be lobbied outside the open court time by men looking to better their personal and career positions, and keep the local residents as silent as they can.

Luckily, I didn't vote for two of the men on the court today, but unfortunately I did vote for one, and I can assure you that will not happen again come the next election cycle if he is on the ballot. If you know removing public comment from the county court meetings this is wrong, I would ask you contact Judge Myers, Commissioner Britton and Commissioner Labhart and tell them so.

While what they've done may seem effective to them, I'm sure the people of Grant County feel differently. You deserve a local government that works for you, not a group of three men who move to circumvent the very people who elected them into their positions.

**John D. George  
Bates, Oregon**

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