

A Harsh Toll: How Tough Mandatory Sentences Inspired Harney County Occupation

0 0 0 5

[January 18, 2016](#)



The biggest question of all is: Why were the Hammonds charged as terrorists? Is it because the BLM wants their land? I think it is obvious that is the case. The Hammonds are not terrorists. If anyone is a terrorist, it is the BLM and the prosecutors. – Shorty Dawkins

[This article comes OregonLive.com](#)

by Jeff Manning

The seeds of this month's insurrection at a Harney County wildlife refuge were planted in an unusual midnight deal struck in 2012 between prosecutors and Harney County ranchers Dwight and Steven Hammond.

The long [blood feud](#) between the Hammonds and the government reached a surprise moment of consensus that night. After eight days of trial in a Pendleton courthouse on charges they had set illegal fires near their remote Eastern Oregon ranch, the parties agreed to abide by the jury's partial verdict.

The jury informed the judge it had concluded that the Hammonds were guilty of two counts of arson. On seven other counts, the jury had voted to acquit or was deadlocked.

The Hammonds agreed to accept the partial verdict, accept Hogan's sentence and to waive their rights to appeal. The two ranchers and their lawyers believed the U.S. Attorney's office had done the same.

The deal blew up four months later after U.S. District Court Judge Michael Hogan refused to issue the five-year mandatory minimum sentence. Prosecutors immediately appealed, calling Hogan's lighter prison sentences "illegal."

The Department of Justice prevailed. The ranchers were ordered to return to prison to serve out their five-year terms.

The case made the Hammonds martyrs to an angry cadre of protesters, and the perceived government overreach inspired the armed occupation of the Malheur National Wildlife Refuge south of Burns that has attracted worldwide attention.

Even as the occupation reaches day 15, several questions remain unanswered: Why did the government decide to charge the Hammonds under a terrorism statute? Why was it so fixated on a five-year sentence? Did prosecutors renege on a deal not to appeal the original sentence?

[Read more here.](#)

Categories: [All](#), [Featured](#)