



DEPARTMENT OF JUSTICE

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District of Oregon

To The Citizens of Harney County, Oregon

As the Acting United States Attorney for the District of Oregon, I write to the citizens of Harney County to address ongoing attempts by outside individuals and organizations that are making statements and using social media to express views which are clearly contrary to what occurred publicly in an open courtroom. I understand that there are some individuals and organizations who object to the Hammonds returning to prison to serve the remainder of their sentences mandated by statute. I respect their right to peacefully disagree with the prison terms imposed. However, any criminal behavior contemplated by those who may object to the court's mandate that harms someone will not be tolerated and will result in serious consequences. The following is a summary of the facts in United States v. Dwight and Steven Hammond, including the actions and positions taken by this office throughout the course of the case.

Five years ago, a federal grand jury charged Dwight and Steven Hammond with committing arson on public lands, and endangering firefighters. The charges came after the Hammonds rejected an offer to settle the case by pleading guilty to lesser charges and sentences.

Three years ago, after a two-week trial in Pendleton, Oregon, a jury found 70-year old Dwight and his son, 43-year old Steven Hammond, guilty of committing arson on public lands in 2001. Steven Hammond was also found guilty of committing a second arson in 2006. They were found not guilty of other arson charges, and while the jury was deliberating on the remaining charges, the Hammonds negotiated for the dismissal of those charges and a promise from the U.S. Attorney to recommend the minimum sentence mandated by law. The Hammonds assured the trial judge that they knew the law required they serve no less than five years in prison. The U.S. Attorney also agreed they should remain free until sentencing.

The Hammonds had long ranched private and public lands in Eastern Oregon. Although they leased public lands for grazing, they were not permitted to burn the lands without prior authorization from the BLM. In 1999, a BLM employee reminded Steven Hammond of this after he started a fire that escaped onto public land.

At trial, jurors heard from a hunting guide, a hunter and the hunter's father, who saw the Hammonds illegally, slaughter a herd of deer on public land. At least seven deer were shot with others limping or running from the scene. Less than two hours later, the hunting guide and the hunter and his father, were forced to abandon their campsite because a fire was burning in the area where the deer had been shot. The hunting guide's testimony and photographs established fires were burning hours before Steven Hammond called the BLM and said he was going to do a burn of invasive species in the area.

A teenage relative, who was with the Hammonds in 2001 when those fires were set, told the jury that he was handed a box of "Strike Anywhere" matches, and Steven Hammond told him to drop lit matches on the ground so as to "light up the whole country on fire." He did as

instructed and the resulting eight to ten foot flames spread quickly. Fearing for his life he was forced to take shelter in a creek. The jury heard evidence that once back at the ranch, Dwight and Steven told him to "keep his mouth shut," and that "nobody needed to know about the fire." The fires destroyed evidence of the deer slaughter and took 139 acres of public land out of public use for two years.

The evidence at trial convinced the jury beyond a reasonable doubt that the Hammonds were guilty of the federal crime of arson; that is, maliciously damaging United States property by fire. The jury was neither asked if the Hammonds were terrorists, nor were defendants ever charged with or accused of terrorism. Suggesting otherwise is simply flat-out wrong.

The jury also found Steven Hammond guilty of committing a second arson in 2006. That summer, BLM firefighters were battling several significant fires caused by lightning strikes. The Harney County Fire Marshal imposed a burn ban and a "red flag" warning was in effect. Despite the burn ban, and knowing that firefighters were in the area, Steven Hammond set fires at night without notifying anyone. He did so to save his winter feed. After seeing the fires, the firefighters moved to a safer location. When confronted by a firefighter the next day, Steven Hammond admitted setting the fires, and made no apology for doing so.

The crimes that the jury found the Hammonds committed carried five-year congressionally-mandated minimum sentences. In October 2012, U.S. District Court Judge Michael R. Hogan imposed sentences below what the law required. The U.S. Attorney's Office appealed the sentences imposed by Judge Hogan because they were not the sentences mandated by Congress for the crimes committed. The Ninth Circuit Court of Appeals agreed, and reversed the Hammonds' sentences. The cases were sent back to the District Court with the directive that the statute's mandate be followed. The Supreme Court upheld the Ninth Circuit's decision, and in October 2015, Chief Judge Ann Aiken imposed the five-year prison terms. The U.S. Attorney agreed to allow the Hammonds to self-surrender after the holidays.

Much has been said and written by persons who were not in the Pendleton courtroom during the trial or in Eugene during the sentencing hearings. Much of it is inaccurate. For example, the federal prosecutor has never called the Hammonds terrorists, an allegation made by some of the Hammonds' supporters. As Acting U.S. Attorney, I do not consider them to be terrorists. At the sentencing hearings, the federal prosecutor described the Hammonds' contributions to their community and urged the court not to impose the higher sentences recommended by the U.S. Probation office. The prosecutor also assured the court that the sentences mandated by Congress were neither cruel nor unusual given the seriousness of the crimes and the safety threat posed to the hunters (in 2001) and the firefighters (in 2006). The Hammonds received a fair trial, they were found guilty in Pendleton, Oregon, by a jury of their peers, and they ultimately received lawful sentences mandated by Congress.

As Americans, we have the privilege of being served by the finest judicial system in the world. Despite suggestions to the contrary, what took place during this case was a process that followed the time-honored fundamental principles of the rule of law— from the investigation, negotiations, a public trial with the presentation of lawfully admitted evidence, the jury's findings, judicial findings, appellate rulings, to the final imposition of sentence. We stand by the ultimate resolution of this case.

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