

WILLIAM G. DICK
ROGER L. DICK
EDGAR M. DICK
JAMES M. HABBERSTAD
WILLIAM G. DICK II

DICK & DICK
ATTORNEYS-AT-LAW
801 WASHINGTON STREET
TELEPHONE 296-2152
THE DALLES, OREGON
97058

Bob
RECEIVED
MAR 18 1982
Governor's Office

March 17, 1982

Honorable Victor Atiyeh
Governor of Oregon
State Capitol
Salem OR 97310

re Response to Request for Investigation Concerning Wasco
County Judge Rick Cantrell

Dear Governor Atiyeh

As I explained to Bob Oliver of your office, this office represents Wasco County Judge Rick Cantrell. Mr. Oliver has graciously supplied me with a copy of a letter sent to you by the 1000 Friends of Oregon dated March 5, 1982. I have also been able to cursorily examine the memorandum attached to the affidavit. I do not intend to respond to the memorandum point by point, but I do wish to advise you of Judge Cantrell's position with regard to the allegations contained in the March 5 letter.

At the outset, I should point out that these exact same allegations now being presented to your office were brought before the Ethics Commission at a probable cause hearing held in Salem on February 24, 1982. The person preparing the memorandum received by your office attempted to dispose of this probable cause hearing by one footnote explaining that the author didn't understand why the Ethics Commission did not proceed further on the question of a \$5,000.00 premium being paid to Judge Cantrell. The reason the Commission did not proceed is that there was no evidence to support the allegation.

Both the Judge and I view the 1000 Friends' request as a dying gasp in their attempt to interfere with a decision by the Wasco County Court which had nothing to do with land use planning. Judge Cantrell had been advised by the local District Attorney, Bernard L. Smith, that the County Court had no discretion other than to allow the election. The Wasco County District Attorney's legal opinion has recently been buttressed by a final opinion and order from the Land Use Board of Appeals, a copy of which I am enclosing, which states, in substance, that the Wasco County Commission and County Judge had no alternative other than to allow the election. Given the lack of discretion available to the County Court, it is ludicrous to suggest that Judge Cantrell was in any way bribed.

Honorable Victor Atiyeh
March 17, 1982
page 2

The affidavits of Loren Corwin and Buck Hodges do not state that the cattle sold for \$5,000.00 more than their worth at the time the cattle were sold in October of 1981.

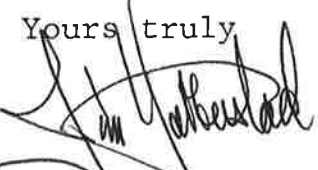
Mr. Hodges, who is a brand inspector, does not consider himself qualified to appraise cattle and he has no idea of the value of the cattle at the time of the sale. Loren Corwin did not look at the cattle for purposes of appraising them, he did not see the cattle at the time of sale and he has no opinion with regard to the value of the cattle at the time of sale.

To date, the only person who has suggested the cattle sold for \$5,000.00 more than they were worth is Mr. Buck Coe. Mr. Coe, who is a southern Wasco County ranch manager, testified before the Ethics Commission that the cattle sold for a \$5,000.00 premium. Whatever has motivated Mr. Coe's actions, these actions certainly are not based upon any personal or secondhand knowledge that would justify putting Judge Cantrell through any more distress in having this matter referred to the Attorney General.

With regard to the brand inspection allegations, I should point out that the brand inspector, Buck Hodges, who looked into the background of the cattle sale, determined that any mistakes made by Judge Cantrell were inadvertent mistakes and, for that reason, he issued only a warning citation to Judge Cantrell.

As I mentioned to your office, Judge Cantrell is running for the County Commission here in Wasco County. The primary election occurs in May of 1982 and both Judge Cantrell and I view these requests by the 1000 Friends as an attempt to influence the results of this election. We respectfully request that your office not lend aid to this nefarious activity by malicious and uninformed people.

Yours truly



James M. Habberstad
dd
Enclosure

cc Judge Rick Cantrell