

Department of Justice
U.S. Attorney's Office
District of Oregon

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Eastern Oregon Ranchers Convicted of Arson Resentenced to Five Years in Prison

EUGENE, Ore. – Dwight Lincoln Hammond, Jr., 73, and his son, Steven Dwight Hammond, 46, both residents of Diamond, Oregon in Harney County, were sentenced to five years in prison by Chief U.S. District Judge Ann Aiken for arsons they committed on federal lands.

A jury sitting in Pendleton, Oregon found the Hammonds guilty of the arsons after a two-week trial in June 2012. The trial involved allegations that the Hammonds, owners of Hammond Ranches, Inc., ignited a series of fires on lands managed by the U.S. Bureau of Land Management (BLM), on which the Hammonds had grazing rights leased to them for their cattle operation.

The jury convicted both of the Hammonds of using fire to destroy federal property for a 2001 arson known as the Hardie-Hammond Fire, located in the Steens Mountain Cooperative Management and Protection Area. Witnesses at trial, including a relative of the Hammonds, testified the arson occurred shortly after Steven Hammond and his hunting party illegally slaughtered several deer on BLM property. Jurors were told that Steven Hammond handed out "Strike Anywhere" matches with instructions that they be lit and dropped on the ground because they were going to "light up the whole country on fire." One witness testified that he barely escaped the eight to ten foot high flames caused by the arson. The fire consumed 139 acres of public land and destroyed all evidence of the game violations. After committing the arson, Steven Hammond called the BLM office in Burns, Oregon and claimed the fire was started on Hammond property to burn off invasive species and had inadvertently burned onto public lands. Dwight and Steven Hammond told one of their relatives to keep his mouth shut and that nobody needed to know about the fire.

The jury also convicted Steven Hammond of using fire to destroy federal property regarding a 2006 arson known as the Krumbo Butte Fire located in the Malheur National Wildlife Refuge and Steen Mountain Cooperative Management and Protection Area. An August lightning storm started numerous fires and a burn ban was in effect while BLM firefighters fought those fires. Despite the ban, without permission or notification to BLM, Steven Hammond started several "back fires" in an attempt save the ranch's winter feed. The fires burned onto public land and were seen by BLM firefighters camped nearby. The firefighters took steps to ensure their safety and reported the arsons.

By law, arson on federal land carries a five-year mandatory minimum sentence. When the Hammonds were originally sentenced, they argued that the five-year mandatory minimum terms were unconstitutional and the trial court agreed and imposed sentences well below what the law required based upon the jury's verdicts. The Ninth Circuit Court of Appeals, however, upheld the federal law, reasoning that "given the seriousness of arson, a five-year sentence is not grossly disproportionate to the offense." The court vacated the original, unlawful sentences and ordered that the Hammonds be resentenced "in compliance with the law." In March 2015, the Supreme Court rejected the Hammonds' petitions for certiorari. Today, Chief Judge Aiken imposed five year prison terms on each of the Hammonds, with credit for time they already served.

"We all know the devastating effects that are caused by wildfires. Fires intentionally and illegally set on public lands, even those in a remote area, threaten property and residents and endanger firefighters called to battle the blaze" stated Acting U.S. Attorney Billy Williams.

"Congress sought to ensure that anyone who maliciously damages United States' property by fire will serve at least 5 years in prison. These sentences are intended to be long enough to deter those like the Hammonds who disregard the law and place fire fighters and others in jeopardy."

Assistant U.S. Attorneys Frank R Papagni, Jr., AnneMarie Sgarlata and Kelly Zusman handled the prosecution of this case.