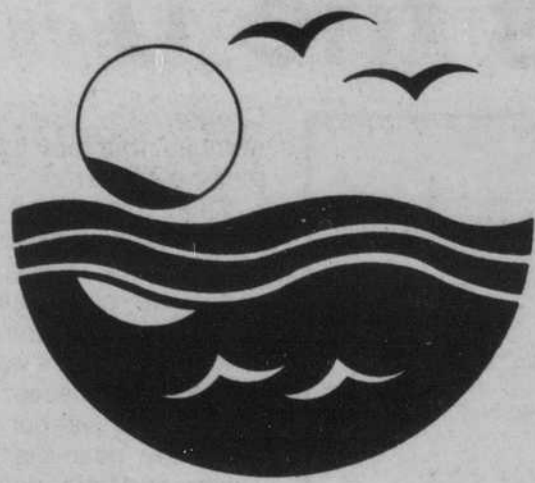


... of environmental concern



By Catherine Siegner

New water samples taken from Alder Creek, a small tributary of Fall Creek in the Lowell Ranger District of the Willamette National Forest showed measurable traces of 2,4,5-T following aerial herbicide spraying on April 29.

Previous samples taken from within the spray area, but not from the same site, were reported by the Forest Service in May as

showing no herbicide contamination.

The samples were analyzed as part of an extensive water monitoring system after 178 acres were treated to control brush growing over stands of young fir trees. An independent, private water analysis firm in Eugene, the Oregon State Department of Agriculture Laboratory Services in Salem, and the Environmental Protection Agency laboratory in

Denver all examined the samples for traces of contamination.

Results showed traces of 2,4,5-T from one part per billion (ppb) to 4.4 ppb. Safe Drinking Water standards of the 1975 Clean Water Act recommend limits of 10 ppb for 2,4,5-T.

A check of the area discovered two small feeder streams that were not visible from the air, and were apparently inadvertently treated with the herbicide.

"We don't see a threat to human health in this application, however," said John Alcock, Willamette National Forest Supervisor. "Based upon U.S. Geological Survey stream flow measurement, any water reaching Fall Creek would be so diluted as to have no detectable traces of the herbicide."

Researchers at Oregon State University will be looking into the feasibility and long term effect of non-annual grass seed field burning with a \$75,000 Department of Environmental Quality (DEQ) grant.

The project, which will be conducted by David Chilcote, OSU crop physiologist, Harold Youngberg, OSU agronomist, and two U.S. Department of Agriculture specialists, will also assess the effects of "crew cutting," or mechanically removing stubble and residue from harvested fields.

"With crew cutting, we try to mechanically simulate removal of the straw and chaff as if it were burned," said Chilcote. "It looks very promising on test plots near Corvallis but we need to test it in commercial operations."

The non-burning procedure will be assessed on fields of annual ryegrass which make up nearly half the grass seed grown in the Willamette Valley.

"If you utilize all possible methods — smoke management, alternate year burning, herbicide weed control, crew cutting and any others — you may have the foundation for a solution or at least an easing of the problem — maybe," Chilcote said.

The U.S. Department of Energy (DOE) recently conducted a radiation survey of areas within the Albany Metallurgy Research Center. The Center is a facility of the U.S. Department of the Interior's Bureau of Mines.

Some areas of the center were used in the late 40s and early 50s for uranium and thorium research done by the Bureau under contract to the former U.S. Atomic Energy Commission (now the U.S. DOE).

A preliminary DOE survey conducted in January, 1978, detected low levels of radioactivity in several locations at the center. The follow-up survey was done to de-

termine whether any corrective measures are needed. The center now uses only a small amount of radioactive material in its research work, according to the DOE.

The Albany facility is one of several sites used in early atomic energy research and development work and is now being surveyed by the DOE to document radiological conditions.

Results of the Albany survey will be made available to and discussed with the Bureau of Mines and state and local health officials.

The Coos-Curry Electric Cooperative of Coquille, Oregon, has requested a permit from the Federal Energy Regulatory Commission to study an Illinois River hydroelectric power project in Curry and Josephine counties.

The proposed project would include a concrete arch storage dam 590 feet high and 1,880 feet long, a 24-mile long reservoir with a surface area of 5,600 acres, and an indoor powerhouse containing two generating units with a total capacity of 200 megawatts.

A preliminary permit, if granted, does not authorize construction. Petitions to intervene in the matter are due August 28, and should be addressed to the Department of Energy, Federal Energy Regulatory Commission, Washington, D.C. 20426.

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Judge axes 'choice of evils'

By CATHERINE SIEGNER
Of the Emerald

The ninety protestors arrested last November 25 for trespassing at the Trojan Nuclear Power Plant were found guilty of the charge June 29 by unanimous vote of a Columbia County jury.

The defendants had attempted a "choice of evils" defense, claiming that violation of a law (in this case trespassing on Portland General Electric property) occurred in order to prevent a greater transgression — operation of the plant.

Judge James Gilliland read 300 pages of testimony from the defendants and expert witnesses during an omnibus hearing prior to the trial, but ruled to disallow both the testimony and the choice of evils defense and to try those arrested solely on the trespassing charge.

Last December, 96 persons were acquitted of trespassing on Trojan property. At the trial, also held in Columbia County, the choice of evils defense was allowed to be presented to the jury, and several experts, including Dr. Rosalie Bertell and Dr. John Gofman, were allowed to present testimony.

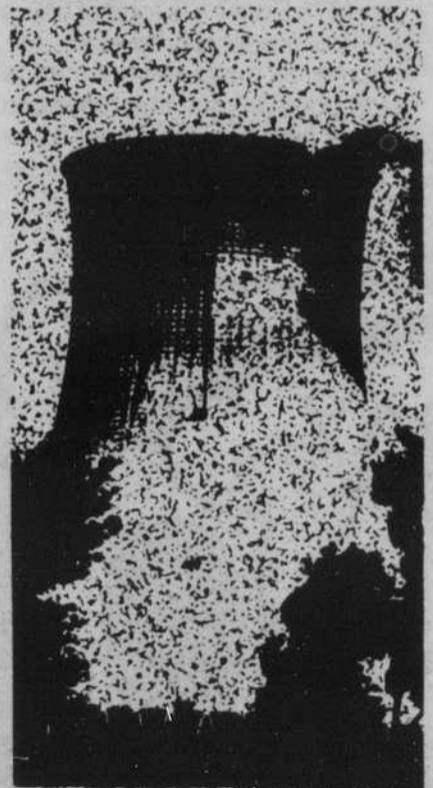
Judge Gilliland, however, refused to hear testimony that was not strictly relevant to the trespassing charge, and ordered bailiffs to escort the jury out of the room at one point when a defendant began making anti-nuclear statements, according to defendant and Trojan Decommissioning Alliance member Skeeter Duke.

"The judge considered our evidence as a way of making it look like we had a fair chance," Duke says. "They (the prosecution) never wanted to allow the lesser of evils defense, but they maintained a facade so it looked good."

Witnesses for the prosecution included two policeman, Plant

Superintendent Bart Withers, and an undercover policeman who posed as a protestor during the demonstration.

Prosecutor Martin Sells addressed the 17 defendants who tes-



Emerald Graphic

tified with these questions: "Did you care whether or not you were trespassing?" and "Didn't you see the No Trespassing signs?"

The defendants stated they were in service of a higher moral law, and that they were interested in preventing the imminent danger to the public that Trojan represents.

The jury deliberated six hours before reaching the verdict. Sentencing will occur later when the judge is available, and when all 90 of those convicted can be rounded up.

"I think there were two people on the jury who were on our side," says defendant Elyn Henderson.

"First they were 4-2, then 5-1, then it was unanimous. It has to be unanimous in a criminal trial, or else we would have had a hung jury."

"I hope we can all be there at the sentencing," Henderson adds. "You can say anything you want to at sentencing."

Sentences could run from 30 days in jail, \$250 fines, and five years probation, to suspended sentences, smaller fines, and one to five years probation.

Undaunted, TDA plans to occupy the Trojan Plant again August 6-9, and commit nonviolent civil disobedience in the hope of shutting down the facility permanently.

Those previously convicted of trespassing run the risk of being charged with contempt of court if arrested again at the plant, but they intend to be at the site to provide support, according to Henderson.

"The guilty verdict is another alarming indication of how limited the public access is to the facts about nuclear power," reads a recent TDA press release. "Now more than ever we feel the importance of educating the public through our nonviolent direct action campaign to stop nuclear power in Oregon."

Those going to the plant site must have at least one session of nonviolence training. Workshops will be held on Wednesdays and Saturdays at Harris Hall beginning July 12.

TDA invites concerned citizens to support the effort. Call the TDA office at 687-2557 for more information, or stop in at 348 W. Lincoln.

"Nobody is watching out for citizens," Skeeter Duke says. "The government regulates, and people try to intervene in matters that affect them, but the nukes are marching on. They have abdicated it, but people do have power."