

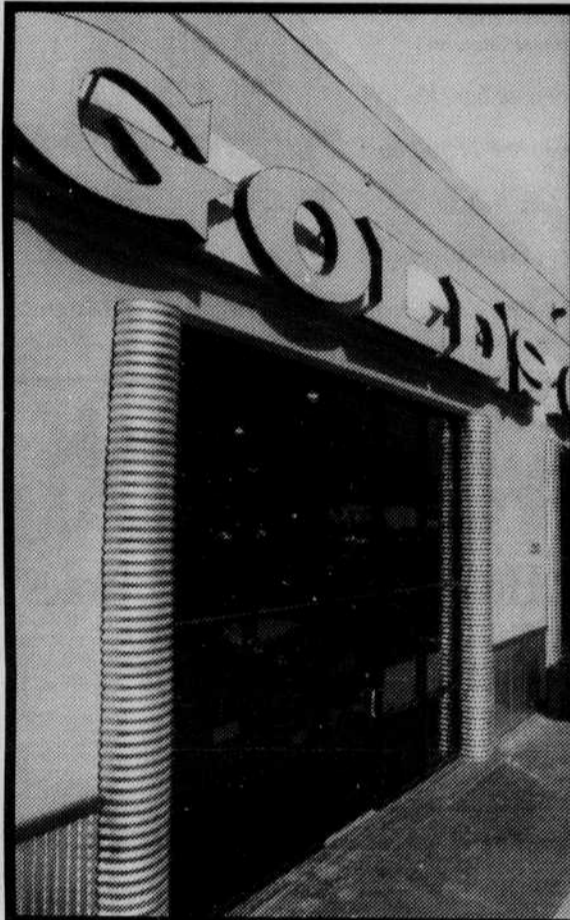
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## Newspaper's notes and film returned after protest

■ **SEIZURE:** *The Register-Guard* is considering taking action against the U.S. Forest Service

*The Associated Press*

A Eugene newspaper plans to fight the arrests last week of a reporter and photographer when federal authorities evicted protesters from a yearlong encampment near Warner Creek.

Notes and film seized from *The Register-Guard* were returned yesterday but the newspaper was still considering action against the U.S. Forest Service.

"I'm concerned because I believe the news media and U.S. Forest Service law enforcement people are going to be seeing more of each other," said Jim Godbold, the newspaper's managing editor.

Even though the property will be returned, the seizure leaves open questions about possible constitutional violations, according to professors at the University of Oregon School of Law.

The review of Wright's notes "was arguably illegal," said Garrett Epps, associate professor who specializes in First Amendment law.

"The essence of constitutional law is that the government has to give you a reason why it is doing something to you," Epps said. "It's classic over-reaching."

Eugene lawyer Bruce Smith, who represents *The Register-Guard*, said no decision has been made about filing a federal lawsuit.

"We still don't know what's going to happen with respect to the criminal charges," Smith said, referring to the trespassing charges.

“  
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— Garrett Epps  
associate professor

The case probably will be treated as nothing more serious than a speeding ticket when reporter Jeff Wright and photographer Anthony Robert La Penna are arraigned Wednesday, said Jim Hunt, a Lane County prosecutor.

Assistant U.S. Attorney John Ray said he met with Forest Service Special Agent Jim Keefer and Assistant Lane County District Attorney Jim Hunt on Monday to discuss the notes and film.

Ray said Keefer earlier had reviewed the reporter's notes and concluded they contained no evidence about trespass. Ray said Keefer told him no one had viewed the seized film, which Forest Service officials had sent to a photo processor.

Forest Service officials defended the journalists' arrests, as well as several protesters attempting to block access to the salvage logging sale in the area 20 miles southeast of Oakridge.

"We were trying to work with media within the boundaries we had set up to assure public safety," said Leslie Habetler, a Willamette National Forest spokeswoman. "But these people knew exactly what they were doing and that they were breaking the law."

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