

news Briefs

CITY LAWYERS BACK TOBACCO

The private law firm that has held a tight grip on almost all of the city of Eugene's legal work for the past three decades is also working on a pair of controversial, high-profile cases.

Harrang Long Gary Rudnick is working for Phillip Morris to get the tobacco giant out of an \$80 million verdict that sought to punish the corporation for killing people with cigarettes. The firm is also working with the Portland Development Commission (PDC) to reduce wages for work on public projects.

The U.S. Supreme Court agreed this spring to hear Harrang Long's appeal of the tobacco case (known as Williams Branch) after the Oregon Supreme court upheld the \$80 million verdict against Phillip Morris.

In another case, Harrang Long helped the PDC evade a state law that requires prevailing wages and benefits for construction workers on public projects. In May a Portland judge agreed with Harrang Long's argument that the PDC did not have to pay prevailing wages for a publicly subsidized development project.

The PDC case could be relevant for Eugene. The city has agreed to spend \$12 million to build a city parking garage attached to the Whole Foods development downtown. City staff told the council that the project would pay prevailing wages, but that was before the Harrang Long and PDC verdict in Portland.

Eugene isn't involved in tobacco litigation, but acting as city attorney, Harrang Long wrote and would defend the city ordinance banning indoor smoking in bars and restaurants.

Harrang Long has worked for many other local clients that could present the appearance of conflicts of interest including *The Register-Guard*, Hynix and PeaceHealth. The firm has said it avoids conflicts of interest.

Almost all other cities of Eugene's size have in-house attorneys working as public servants to reduce costs, improve service and avoid conflicts. A 2002 ballot measure requiring the city manager to hire an in-house attorney failed. Last year (FY05) the city paid \$2.1 million for civil legal services, up 34 percent from the previous year.

— Alan Pittman

JUDGE DENIES NEW TRIAL

On June 30, Judge Gregory Foote denied a motion for a new trial for Darrell Sky Walker, 24, who in April was sentenced to more than six years in prison for recklessly killing 22-year-old Phillip Gillins in a drunken confrontation outside Taylor's Bar in June 2005.

Walker maintains that another man, J.D. Beall, threw the punch that knocked Gillins unconscious. Gillins' head hit the pavement when he fell, and he died from brain injuries

two days later. Two eyewitnesses, who were drunk at the time, said they saw Walker hit Gillins, but at least six other witnesses say that Beall bragged about dealing the knockout blow. (See *EW* articles 6/22 and 6/29.)

Walker's lawyer, Daniel Goff, filed the motion for a new trial on the grounds that additional witnesses could provide more evidence that Beall threw the fatal punch. Judge Foote rejected that argument, ruling that the new testimonies wouldn't provide any significant new evidence.

Goff also attempted to compel the state to grant immunity to an eyewitness, Ryan Joyce, to force him to testify. Joyce was with Walker and Beall on the night of the incident, but he, like Beall, has invoked his Fifth Amendment right against self-incrimination and remained silent. Judge Foote suggested that a new trial might be justified if Joyce testified.

But the prosecutor, Deputy District Attorney Debra Vogt, declined to offer Joyce immunity, saying that the state reserves the right to prosecute him for his role in causing Gillins' death. Charges against him would likely be minor, as all witness accounts suggest that Joyce merely watched the fight and did not participate in it.

Why, then, won't the state grant Joyce immunity in exchange for an eyewitness testimony that could shed critical new light on a contested manslaughter conviction? District Attorney Doug Harclerod declined to answer that question on the record.

Defense attorney Goff said that he plans to appeal the conviction, a process that could take about a year. — Kera Abraham



Josh Schlossberg on an old growth stump in the Berry timber sale.

SAMANTHA CHIRILLO

ROADLESS SAGA KEEPS ROLLING

Despite pledges to let states protect their own roadless forests, the Forest Service has awarded a contract to log a designated roadless area burned in the 2002 Biscuit fire. The move undermines Gov. Kulongoski's plan to petition for Oregon to permanently protect its two million roadless acres from logging and development.

On June 27, the Forest Service awarded the 640-acre Mike's Gulch timber sale to Silver Creek Logging Co., a company that has violated Forest Service rules in the past by accidentally logging in the protected Kalmiopsis Wilderness and Babyfoot Botanical Area.



The Mike's Gulch timber sale marks the first time that the Forest Service has allowed logging in a designated roadless area since the adoption of the 2001 Roadless Area Conservation Rule, enacted during President Clinton's last days in office. In 2005, the Bush administration repealed the Clinton-era rule and replaced it with a more industry-friendly rule that allows salvage logging in roadless areas after fires.

Kulongoski and 20 environmental groups have asked a federal judge in San Francisco to halt the cutting until courts hear two lawsuits challenging the Bush administration's repeal of the Clinton-era roadless rule. The judge has yet to rule on that motion, and it's unclear whether she will do so before Silver Creek begins logging.

In late June, the Bush administration accepted governors' petitions to protect roadless areas in North Carolina, South Carolina and Virginia. In a press release, the Forest Service reiterated its pledge "to maintain interim measures to conserve inventoried roadless areas" while states prepare their petitions. However, that is clearly not happening in Oregon, where the Forest Service is pushing ahead with plans to log the roadless Mike's Gulch despite Kulongoski's pending petition. The Forest Service maintains that the roadless area logging is legal, noting that the logs cut from Mike's Gulch are to be yarded by helicopter, and no new roads will be built.

The fight is over the protection of designated, or "inventoried," roadless public forests. But uninventoried roadless areas near the Kalmiopsis Wilderness are also at risk, note activists with a new Eugene-based nonprofit called Save Our Wild Siskiyou. "Having seen what has already occurred in the Kalmiopsis, one realizes that the roadless areas have already been logged," said SOWS activist Samantha Chirillo. "We have all the more motivation to put an end to roadless logging before it spreads further." — Kera Abraham

WEBSITE UP FOR SWIFT

Supporters of Iraq veteran Spc. Suzanne Swift now have a website up (www.suzanneswift.org) providing back-

ground information, updates and related links. The Eugene woman was arrested as a deserter June 11 at her mother's home after going AWOL from the Army. She was returned to her unit, the 42nd MP Company, in Fort Lewis, which is scheduled to return to Iraq in October.

Swift complained of relentless sexual harassment and fear of rape during her tour of duty in Iraq, and said nothing was done about it. She "chose to go absent without leave rather than subjugate herself to the horrors she experienced during her first tour of duty," according to the website.

Swift's mother, Sara Rich (see *EW* archives, 3/30), said she visited with her daughter for a day and night last week at Fort Lewis. In an "Update from Mom" on the website, she said Swift "is on edge, frustrated and very tired. No one is being mean to her, but she does not trust anyone which is mentally exhausting. She took time to read all the letters and cards we have received and was so touched by all the love and support."

A tax-deductible legal defense fund has been set up through Community Alliance of Lane County (CALC), 485 Blair Blvd., Eugene 97402. Checks can be made out to CALC with "Suzanne Swift Legal Defense Fund" written in the comments space.

PEACE ACTION

Trish Abbott believes in action. That's why the 27-year-old English woman has been living in the small Colombian community of San José de Apartadó for the past year and a half.

In Colombia, according to the nonprofit Human Rights Watch, more than 3 million people — 5 percent of the total population — have been displaced because of armed conflict in the region. That's more than any other country in the world except for the Sudan. Paramilitaries, considered terrorist groups by the U.S., now work for the government, and the largest rebel army — the FARC — also commits many atrocities. In the face of the massive violence, 50 villages and towns have taken a stand as "Peace Communities," among them San José. The Peace Communities refuse to help or condone either side, and they often suffer for their choice. Having Abbott around may be saving lives as she records what occurs in San José for the international human rights community.