

SUBPOENA WITHDRAWN

Eugene videographer Tim Lewis won't be going to jail to defend his rights as a journalist – not this week anyway.

Lewis, who posts his work on YouTube as "Picture Eugene," was issued a grand jury subpoena for his video of the May 30 pesticide rally Tasing of Ian Van Ornum. Lewis and American Civil Liberties Union attorneys Tony Rosta and Chin See Ming argue that Lewis, as a journalist, is protected by the Oregon Shield Law.

Lewis was prepared to go to jail to defend his rights as a journalist, arranging for a house sitter for his pets and explaining the situation to his young daughter.

Rosta and ACLU legal director Ming filed a motion to quash the subpoena, invoking the Shield Law which protects people engaging in "any medium of communication to the public" from being compelled to give testimony or evidence from information they got while "gathering, receiving or processing information for any medium of communication to the public."

When the motion to quash went before Lane County Circuit Court Judge Lauren Holland on Tuesday morning, the subpoena was withdrawn; however, according to David Fidanque of the ACLU, "The district attorney is leaving open the option to file a new subpoena later."

"What a bunch of spineless bureaucrats," said Lewis, in response to the DA's withdrawal of the subpoena before the case could be argued in court.

Because the motion was withdrawn, the merits of the case were not argued, says Fidanque. But if a new subpoena is filed, Lewis and the ACLU intend to fight it. "We think it's a pretty clear-cut case," says Fidanque. "Tim Lewis and other electronic journalists that publish through the Internet are all protected by the Shield Law." – Camilla Mortensen

TRAIL CLOSED FOR LOGGING

Hikers heading up to the clear blue Tamolitch Pool this summer are going to have to take an alternate route for the next couple of weeks to make way for logging near the popular hiking trail.

Tamolitch Pool, also known as Blue Pool or Blue Hole, is a well-used destination along the McKenzie River. The most scenic trail to the pool, which starts near Trail Bridge Reservoir, winds along next to the river through old-growth Douglas fir and over lava flows until it reaches a quiet pool of bright blue water.

The pool used to be the base of a waterfall that flowed just south of Sahalie and Koosah Falls. An ancient basalt flow reduced the water, and when EWEB put in a diversion dam from Carmen to Trail Bridge Reservoir, the water to the falls was cut off almost entirely. Instead the pool is fed by icy water springing up from below the surface. Only during very high flow days does water spill over the now dry waterfall.

After a storm in 2006 blew down trees near the trail, the Forest Service proposed a salvage logging project to remove the fallen and damaged trees. Salvage projects are usually controversial because environmentalists say fallen trees are a natural part of a forest. "Down logs are an important part of the forest ecosystem," says Chandra LeGue of Oregon Wild. She adds, "It's unfortunate that the Forest Service has decided to close one of the McKenzie River Trail's most popular sections in high summer to facilitate this controversial project."

The Forest Service's plan for the project called for the logging near the McKenzie River National Recreation Trail to happen in April in order to reduce the emergence of bark beetles, which the USFS says infest the blown-down trees.

The trail is closed from Trail Bridge Campground north to the pool from July 14 to Aug. 3 on weekdays. The route will be open Saturdays and Sundays, but hikers looking to avoid weekend crowds will be out of luck. The pool can be accessed by hiking along a longer, more arduous trail south from Koosah Falls.

Shadie Nimer, who is coordinating the sale for the Forest Service says, "The visible effects of thinning from the trail will be minimal." Once the logging is completed, Nimer says, paint will be removed from the trees and exposed surfaces will be re-seeded with native seeds. The project will use "shovel-loading equipment" that minimizes ground disturbance, according to Nimer.

LeGue says, "The Forest Service should be focusing their logging in plantations that will benefit from thinning, not removing big habitat-forming trees along trails where wildflowers, soils and recreation will be disturbed." – Camilla Mortensen



JAMES JOHNSTON

THIS MODERN WORLD

by TOM TOMORROW



news Briefs

PIERCY FOR TAX BREAKS

Eugene Mayor Kitty Piercy broke tie votes July 14 in favor of giving three developers a total of almost one million dollars in tax breaks for new apartment buildings near the UO.

The giveaway comes at a time the city, county and schools are facing harsh cutbacks in public safety, education, human and other services due to budget shortfalls.

The city will give about \$650,000 in tax breaks to developer Steven Bennett for his 40-unit apartment building, about \$165,000 in tax breaks to developer Dean Hansen for his seven-unit project and about \$90,000 in tax breaks to developer David Corey for his seven-unit project.

The breaks come in the form of a 10-year property tax exemption under the city's controversial MUPTe tax break program. About half the lost revenue will come from state school funding, about 40 percent from city revenues and about 10 percent from the county's struggling budget. In addition, taxpayers may pay slightly higher property taxes on city bonds and levies.

"It's a lot of money," said Councilor Alan Zelenka of the tax breaks. "It's very difficult for me to say what we are getting."

"The county can't pay for public safety," said Councilor Bonny Bettman. "None of these applications justify that exemption."

Piercy and conservative councilors Mike Clark, Jennifer Solomon, George Poling and Chris Pryor argued that the projects wouldn't be built at the same quality without the tax breaks. "I don't think they'd have the high quality and livability," Piercy said.

But council opponents argued that there was little compelling objective evidence that new apartments wouldn't be built in the area without the tax breaks. Responding to high demand for student housing, many apartment buildings have been built near the UO before the council expanded the MUPTe to include the campus area in 2004.

Bettman said the tax breaks were unfair. She noted the city wants an \$81 million tax increase for potholes. "We are saying everybody else gets to pay but not them."

— Alan Pittman

PHOOEY ON FOIE GRAS?

For a town that loves its Ducks so much, some might find it surprising that foie gras, fattened goose or duck liver, has not been banned in Eugene, and in fact some find this delicacy the perfect fit in a Go Ducks! world.

At restaurants like SweetWaters on the River at the Valley River Inn, the dish can be served upon request. The restaurant keeps the controversial item off their menus as to not offend prospective customers. "People complained," says Kim Stellflug,

WAR DEAD

Since the U.S. invasion of Iraq began on March 20, 2003

- (last week's numbers in parentheses):
- 4,119 U.S. troops killed* (4,114)
- 30,324 U.S. troops injured* (29,978)
- 145 U.S. military suicides* (145)
- 314 coalition troops killed** (314)
- 1,123 contractors killed (accurate updates NA)
- 93,778 to one million Iraqi civilians killed*** (93,583)
- \$536.6 billion cost of war (\$534.7 billion)
- \$152.6 million cost to Eugene taxpayers (\$152.1 million)

* through July 14, 2008; source: icasualties.org; some figures only updated monthly ** estimate; source: icasualties.org *** highest estimate; source: iraqbodycount.org; based on confirmed media reports; other groups calculate civilian deaths as high as 655,000 to one million.