

PESTICIDE RALLY BRINGS PROSECUTIONS

One little anti-pesticide rally has turned into an endless stream of controversy. In the latest turn of events, a Lane County grand jury investigation handed out indictments to three people involved in the May 30 rally that ended with the Taser of UO student Ian Van Ornum.

Anthony Jameson Farley and David Killian Parziale, both UO students at the time of the rally, pleaded not guilty on Monday, Aug. 18, to charges of disorderly conduct, attempted assault on a public safety officer, interference with a peace officer and felony riot. Parziale's name was not mentioned in official police reports on the rally, and he was not one of the participants originally arrested. Van Ornum, who was also indicted, pleaded not guilty through his attorney on Tuesday. He was indicted on one count each of misdemeanor obstructing traffic and resisting arrest.

The presence of Homeland Security agents monitoring the peaceful rally in support of the Lane County Commissioners' stance on pesticides on roadsides has raised the ire of activists who also allege police brutality in the arrests of Van Ornum and Day (David) Owen.

Van Ornum was dragged by his hair by the police, according to witnesses, and his head was slammed repeatedly against the ground. Owen, one of the founders of the Pitchfork Rebellion, a rural group allied against pesticide use around their homes and farms, says he was thrown down by EPD officers and knocked unconscious. Owen was charged at the time with interfering with a police officer, disorderly conduct and resisting arrest.

The grand jury has not yet filed charges against Owen, but Homeland Security's involvement in the rally and monitoring of the Pitchfork Rebellion has led some to speculate federal charges could be filed. Owen's attorney, Lauren Regan, had not gotten a response to her calls to the DA's office by press time but says it is possible that there are more indictments to come from the grand jury.

Witnesses at the rally filed a criminal misconduct complaint against the police, which also led to controversy when it was revealed that Sgt. Scott McKee, who was interviewing witness in the misconduct case, was also interviewing for the criminal investigation. The grand jury did not indict any police officers on charges of misconduct. However, witness Amy Pincus Merwin says she and other witnesses who filed formal complaints against the police were not called to testify before the grand jury.

Owen, Van Ornum and Farley were originally charged in Eugene Municipal Court, but Lane County District Attorney Doug Harclerod had those charges dropped so Lane County could pursue the case with a potentially less sympathetic jury.

The case also made headlines nationally when local videographer Tim Lewis was subpoenaed by the grand jury for his footage of the event. Lewis, with the help of Oregon's ACLU, filed a motion to quash the subpoena under Oregon's Shield Law that protects the media from being compelled to give testimony or evidence from material gathered to disseminate to the public. The subpoena was withdrawn before the case was heard in court. — *Camilla Mortensen*

'STAKE IN THE HEART' FOR WEST EUGENE PARKWAY

Two years ago, federal and state highway planners decided not to build the West Eugene Parkway due to wetlands impacts, costs and local opposition.

But local officials haven't bothered to remove the controversial project from the official metropolitan transportation plan (TransPlan). The Eugene City Council voted 5-4 on Aug. 13 to correct that by directing staff to begin the process to remove WEP from TransPlan.

"We need to put a stake in the heart of this project now," said Councilor Bonny Bettman.

Eugene City Manager Jon Ruiz and his staff recommended leaving the WEP in TransPlan until the next full update of the plan is complete. Staff said the last time TransPlan was updated, it took nine years to complete the plan. Removing the project now would force staff to more quickly plan for other ways of addressing traffic congestion in West Eugene, staff said. "It's really a lot of work," said city transportation planning manager Rob Inerfeld.

Councilors supporting the wetlands freeway appeared caught off-guard by the vote. "I'm confused," said Councilor Mike Clark, leafing through briefing material provided by staff. "I don't know that I spent adequate time in preparation."

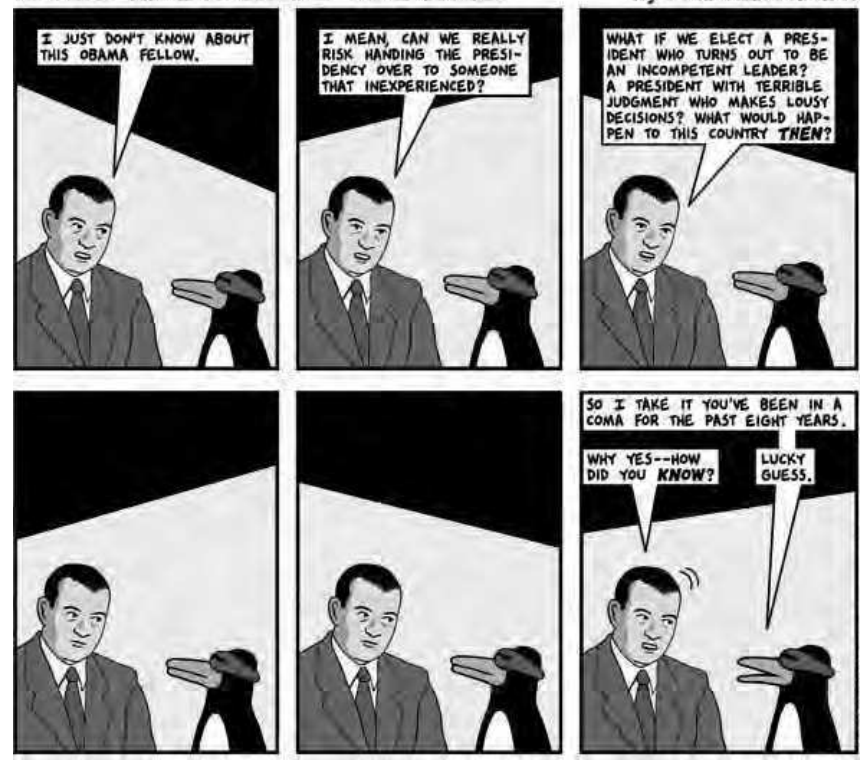
WEP opponents said that the project should be removed from TransPlan because it's unfunded and can't be built due to federal laws protecting wetlands preserves. "The reality is that the WEP is dead," said Councilor Alan Zelenka. "The feds don't appear likely to approve it anyway."

Councilors Bettman, Zelenka, Andrea Ortiz and Betty Taylor voted with Mayor Kitty Piercy to remove the WEP from TransPlan with Councilors Clark, Jennifer Solomon, George Poling and Chris Pryor opposed.

"It seems to me that it breaks down along the lines of who supported the old WEP," Piercy noted. — *Alan Pittman*

THIS MODERN WORLD

by TOM TOMORROW



news Briefs

STATE ACLU: EXCLUSION IS TOOTHLESS

The recent Eugene City Council decision to enact an exclusion zone ordinance for downtown was criticized this week by the Oregon American Civil Liberties Union as a "toothless tiger," flawed in both principle and practice.

"On a practical level, we doubt the new ordinance will accomplish the goal of restoring 'law and order' in our downtown core," says David Fidanque, executive director of the Oregon ACLU, in a follow-up letter to *EW* cosigned by Paul Rhode, chair of the Lane County Chapter of ACLU. "The supposed power of this ordinance is that those found violating an exclusion order could be prosecuted and sentenced to jail time. But in the wake of unprecedented budget shortfalls, the Lane County sheriff has cut jail staffing dramatically, and even the city of Eugene has been forced to reduce its allotment of jail beds. How then can the sanction of jail time for exclusion zone violators be considered a viable option?"

Fidanque and Rhode said there would be no need for an exclusion ordinance if Lane County were not in the midst of a public safety funding crisis. In the past, they said, "chronic offenders could be prosecuted under current criminal laws, the judge could order them to stay away from certain places and people as a condition of probation, and there would be a real threat of more jail time should they violate the judge's order."

The ACLU leaders said they are concerned that presumed offenders will have

less due process — including not having access to a court-appointed attorney before they are subject to "civil" exclusion orders — and "there still will be no practical way to punish the offenders if they thumb their noses at police and the community."

Last week, Claire Syrett of the Oregon ACLU testified at a City Council hearing, warning that similar exclusion laws have been ruled unconstitutional or repealed in other cities following discriminatory enforcement (see "Preconviction Zone" news story, 8/14). — *Ted Taylor*

A PARK UNTIL THE METER RUNS OUT

What would happen if we made less room for cars and more room for open park space in our urban centers? This is the question being asked by participants in the international PARK(ing) Day call to action Sept. 19. A preview of the event was held in downtown Eugene Aug. 14 when students, graduates and friends of the UO Landscape Architecture School temporarily turned six parking spaces into miniature urban parks.

WAR DEAD

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

(last week's numbers in parentheses):

- 4,145 U.S. troops killed* (4,138)
- 30,509 U.S. troops injured* (30,490)
- 145 U.S. military suicides* (145)
- 314 coalition troops killed** (314)
- 1,123 U.S. contractors killed (accurate updates NA)
- 94,553 to 1.1 million civilians killed*** (94,487)
- \$546.4 billion cost of war (\$544.5 billion)
- \$155.4 million cost to Eugene taxpayers (\$154.8 million)

* through August 18, 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 1.1 million.