

Tree Blockade

Activism and arrests in the Elliott State Forest

The Elliott State Forest is home to marbled murrelets, northern spotted owls and other rare and threatened species. For four days last week, the forest was also home to a group of activists from Earth First! and Cascadia Rising Tide who say they are trying to save those species and the forest they live in before their habitat is clearcut.

The Oregon State Police, local deputies and the Oregon National Guard were among those called in to take the protesters out of the forest. They charged them with "interference with an agricultural operation," also known as "ag-ops," or the "Earth First! law," a controversial charge that some say targets logging protesters in violation of the First Amendment.

The Elliott State Forest is on the south-central Oregon Coast near Reedsport and Coos Bay. More than half of the forest has never been logged and is made up of mature trees that grew back naturally after a fire in 1868. While it is not classic old-growth forest, those who oppose logging in the Elliott say it is a native ecosystem, rare in Oregon's Coast Range.

According to a 2006 draft of the Habitat Conservation Plan (HCP) for the forest, the area is home to 11 nesting pairs of northern spotted owls, more than on any other Oregon state forest.

The Elliott is the subject of a lawsuit by the local group Cascadia Wildlands and other conservation groups not affiliated with the recent blockade. The state is logging the Elliott under a 1995 HCP. Josh Laughlin of Cascadia Wildlands calls this HCP "a euphemism for a 50-year clearcut plan for the forest." The groups' suit says the U.S. Fish and Wildlife Service failed to reconsider the impacts of logging the forest's old-growth trees on the northern spotted owl in light of new information showing the owl is facing increased threats.

John Zatkowsky, who occupied a bipod and was one of the last protesters arrested at last week's blockade, said, "We're not there to take jobs from loggers or local people. We're there to protest clearcut logging." He added, "We want to stop practices that make the land useless and devoid of life."

Proceeds from logging the Elliott State Forest go the Common School Fund, a practice some opponents call "clearcuts for kids." Jasmine Zimmer-Stucky, one of the organizers of the blockade, said, "A lot of people think that's an OK sacrifice to make," but she pointed out that private timberlands in Oregon receive a large tax break, taking millions of dollars away from Oregon's schools. Laughlin says "It's 19th-century policy to fund children's education with revenue from clearcutting public rainforests."

In all, 27 people were arrested. Some, Zimmer-Stucky said, "were arrested trying to leave" while others were dangerously extricated from bipods and other structures. A bipod is a two-legged structure rigged to fall if one of the legs is moved. It is designed not to hurt the people on the ground but could seriously injure the bipod's sitter if



COURTESY CASCADIA RISING TIDE

it falls, Zatkowsky said. He said that his bipod swayed dangerously when officers on the ground began to move the legs.

Zimmer-Stucky said this action was one of two culminating actions of the recent Earth First! Rendezvous in the Umpqua National Forest. The other protest was a banner drop at Home Depot's store in Roseburg. The banner read "Dam Home Depot, Save Chile's Rivers," protesting the store's buying of timber products from the Matte Group, which they say is involved in a proposal to build five big dams on two rivers in Patagonia in southern Chile.

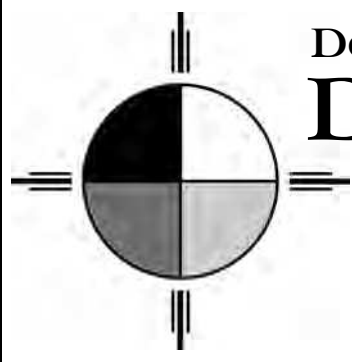
The 27 protesters arrested on the Elliott State Forest have all been released, according to Zimmer-Stucky. She said that the protest has left the groups "more fired up and passionate than ever." She's pleased with the attention that has been drawn to the logging on the Elliott. "The liquidation of the Elliott has been going on for a long time," she said.

All of the protesters were given the "ag-ops" charge, and some also were also charged with criminal trespass 2 and disorderly conduct, according to the Oregon State Police, who said they spent \$50,000 removing the protesters. The local Civil Liberties Defense Center, which has offered pro bono services to those charged, has challenged Oregon's ag-ops statute (ORS 164.887) in the past, pointing out that it has only been used against forest protesters. The misdemeanor carries a penalty of up to a year in jail.

Five years ago Lauren Regan of the CLDC represented an environmentalist arrested for protesting the Biscuit timber sale in Curry County. Regan argued that that the agricultural operations law violated Oregon's constitution. The judge agreed, ruling that an exception in the statute "makes it inapplicable to an individual involved in a labor dispute. What that exception has done is make the determination of what is illegal conduct based on the content of what the individual has to say when disrupting an agricultural operation. This violates the Equal Protection clause of the United States Constitution."

The state then appealed that decision, and a decision on the appeal is still pending. Ben Rosenfeld of the CLDC said that the "trial court's order has not been disturbed." Rosenfeld said the ag-ops law "strains the First Amendment." The Elliott State Forest protesters will be arraigned in court on June 17.

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