

VERDICT SETS KEY PRECEDENT

A ruling related to last week's verdict that EPD Sgt. Bill Solesbee used excessive force to arrest Josh Schlossberg in 2009 added to Oregon's existing case law, which recognizes the public's right to tape police officers and others — in some cases with notification of the videotaped person and in some cases without it. U.S. District Magistrate Judge Thomas Coffin ruled that Solesbee also violated Schlossberg's rights by searching his camera without a warrant.

Lauren Regan, the Civil Liberties Defense Center attorney who represented Schlossberg, says that if an event is public, like a meeting, rally or sporting event, there's neither an expectation of privacy nor a chance that every person who might be taped could be notified, so it's legal to tape in those cases without making an announcement.

However, Regan says the CLDC advises exercising caution to prevent problems. "We still train cop watchers that if they come upon police while at a rally or a protest that they should still give this notice requirement," she says. The notice requirement can be given by turning on the camera and saying, "I'm audio and video recording you." Regan says that having the notification on tape, even if the taped person doesn't acknowledge it, is a solid defense against being charged with unlawfully recording. "If you were to ever end up charged with that crime, that would be your total defense, that that statement is on the audiotape."

In the circumstance that law enforcement doesn't respect a person legally recording, Regan says the wise thing to do is to verbally object while not putting up any physical resistance. "The first thing that they should say is 'What's your lawful basis for seizing my camera?' and the other thing they should say is 'I do not consent.'"

Getting those statements on tape clarifies that the camera can't be searched without a warrant, and Regan says the Schlossberg ruling solidifies the case law that cops can't search a camera without a warrant or consent.

Last week EPD Chief Pete Kerns told *EW* through a

public information officer that "Legal minds differ on whether searching a camera incident to arrest is allowed in today's search and seizure environment."

Regan says that any gray area that may have existed regarding the search of a camera incident to arrest was settled by the Schlossberg case, and "all of the other legal issues: the false arrest, the excessive force ... there is no argument that can be made that these were unsettled areas of law."

EW asked EPD for information on how much fighting this court case cost the city but EPD said it would only release the information if presented with a public records request. *EW* has filed a request.

— Shannon Finnell

FUROR OVER FOREST PLAN

Conservation groups have been eyeing Congressman Peter DeFazio's forest trust plan with skepticism. Or rather, they have been eyeing the proposed plan. Part of their distrust of the trust plan is that it doesn't actually officially exist on paper yet.

DeFazio's plan is aimed at solving Oregon's ongoing question of how to generate money for cash-strapped counties when many counties, such as Lane County, are made up of federal lands that don't generate taxes. Counties used to get timber money, but with logging down, that income has been reduced. Congressional bills such as Secure Rural Schools have filled in the gaps, but that funding has expired, leaving Lane County faced with a multi-million dollar shortfall.

DeFazio's plan would tentatively divide about 2.6 million acres of Oregon's federal BLM land between conservation and logging. Each of the two sections would be managed by a board of trustees, creating a conservation trust and a timber trust.

Chandra LeGue of Oregon Wild says the group believes the plan "is bad for the environment and won't even raise the money counties want." Oregon Wild and six other conservation groups are proposing a plan of their own.

DeFazio says of the group's criticism: "Oregon Wild and their allies continue to defend the status quo at the expense of our forests and rural communities."

The congressman says the plan he envisions is a bipartisan, sustainable timber management plan that includes "historic conservation victories." DeFazio says, "For the first time old-

Happening people BY PAUL NEEVEL



STACEY BLACK AND TOÑA AGUILAR

In the spring of 2011, Eugene School District 4J announced that it would no longer serve lunches in its four charter schools. It was a golden opportunity for Stacey Black and Toña Aguilar, parents at the Waldorf-inspired Village School and members of the Eugene Coalition for Better School Lunches, a group that lobbies for changes to mass-produced meals. "My husband said, 'Now's your chance,'" Black reports. "I asked Toña if she'd like to write up a proposal. We had the summer to plan." The pair studied national school lunch requirements, made lists of kitchen supplies they would need, and started a "can you help" campaign around town. When the Village School opened last fall, they were ready with the Village Kitchen, featuring a menu based on local organic foods and prepared fresh daily. "I've always loved to cook," says Aguilar, who worked as a chef while in school at UO and started a catering business. The two moms share one full-time position as school lunch ladies and rely on a small army of volunteers to help get things done. They serve double the number of lunches as last year, and make enough money for the school to hire a kitchen assistant. "We're having so much fun," says Black, "and, hopefully, turning some heads in the district."

SLANT

• Eugene has not applied to the UO's **Sustainable City Year Program** (SCYP) for the second year in a row. Our cover story this week examines this program and the city's decision. But bigger issues are exposed here. Is Eugene really taking advantage of all the remarkable brainpower and expertise available on campus? We know of dozens of positive collaborations, but should there not be hundreds? And where is Eugene in its pursuit of sustainability? We've made big progress, but not nearly enough. City staff is still leaning toward more sprawl onto our shrinking farmland, parts of our city are still polluted and underdeveloped, bike and pedestrian transportation is still a relatively low priority, we have not integrated nature into our urban core. The Emerald Canal proposal has been shelved. We are not prepared for a big earthquake. Mass transit with the West Eugene EmX is hitting resistance. It's a long list.

So yes, we can brag about our accomplishments, but we also need to take advantage of every opportunity to make our city greener, stronger, more resilient. As for the \$250,000 cost of participating in the SCYP, it's worth noting that the city might have spent more than that defending itself (and losing) in the Josh Schlossberg civil rights lawsuit. Could that money have been spent more wisely?

• **Phone surveys** are common in election years, and a recent Lindholm survey (nearly always funded by conservatives) appears to be looking for vulnerabilities in Mayor Kitty Piercy's re-election campaign, along with seeing how popular or unpopular city councilors are with voters. Such polling helps candidates and potential candidates identify strengths and weaknesses in their opponents. But the questions themselves provide a preview of who might be running and what their campaign focus might be.

Most of the questions in the poll had to do with Occupy Eugene and how it was handled by the mayor and councilors, so don't be surprised if Occupy becomes a major issue for conservatives seeking city office. Cynics among us figure the Occupy issue will not focus on economic justice or how to shelter our homeless residents, but rather on bashing the mayor and council for spending money on "anarchists and troublemakers."

The poll also tested the viability of Piercy's potential opponents: Pat Farr, Jeff Miller, Mike Clark, Chris Pryor, Greg Evans and Jim Torrey. Piercy's only declared opponent so far is Kevin Prociw, who was not mentioned in the poll.

• **Attention Super Bowl fans:** Watch for former Ducks Patrick Chung (starting safety for the Patriots) and Spencer Paysinger (reserve linebacker and special teams for the Giants) to have a chilly reunion. They probably won't be getting together this week to swap stories about how much fun they had studying together in Eugene!

• Speaking of sports, we hear from UO student Chelsea Schwartze that some revived effort is going into forming a second **UO women's Ultimate Frisbee** team. Want to perfect your hammer and corkscrew? Send an email to maloney.erinm@gmail.com

SLANT includes short opinion pieces, observations and rumor-chasing notes compiled by the *EW* staff. Heard any good rumors lately? Contact Ted Taylor at 484-0519, editor@eugeneweekly.com

LIGHTEN UP

Mitt and Newt are great names for guys who are applying for a job hunting alligators.

BY RAFAEL ALDAVE