

NEWS

ELLIOTT LAND DEAL IMPERILS FUTURE OF BIRD, FOREST

Volunteer surveyors in Elliott State Forest recently discovered nesting behavior by the marbled murrelet, a sea bird protected under the Endangered Species Act, on one of three parcels of land being assessed for sale by the State Land Board.

The sale would ultimately be for logging purposes. Last year, Cascadia Wildlands and two other conservation groups filed a lawsuit against the board — including Gov. John Kitzhaber — as well as the Oregon Department of State Lands (DSL) and Department of Forestry, which oversee the Elliott. The result was a U.S. District Court injunction on “further logging activities in known occupied marbled murrelet sites in the ... Elliott State Forest.”

A land board meeting in June deemed the parcels of the Elliott, where logging feeds Oregon’s Common School Fund, qualified for sale due to non-profitability. Nick Cady, an attorney with Cascadia Wildlands, calls that solution a “petulant, short-term money grab” that is “definitely not in the interest of the Oregon public or its school children.” Divesting assets also doesn’t address the origins of the revenue failure. “It’s time for [the state] to take responsibility for their core management practices. This privatization plan is just another way to evade reality,” says Erin Grady of Cascadia Forest Defenders. “The way they clearcut in the Elliott is still the way they did it in the ’70s.”

“We believe they’re going to try to sell the entire [85,000 acres] of the Elliott,” Cady says. “This is a test run to see if they can get away with it.” The board and DSL continue to push sales and, according to conservationists, deflect habitat concerns. The largest parcel in question, Adams Ridge — roughly 1,600 of the total 2,700 acres — is

where Coast Range Forest Watch surveyors documented areas occupied by the murrelet, which nests in old-growth forests. The surveyors will submit their findings before a comment period ends Sept. 3.

Even though the court case will not be settled federally until next year, the 2,700 acres would go to auction, pending a State Land Board meeting on Dec. 10 to review public comments. “Supposedly green politicians that Oregon has elected will decide to privatize this land unless we can stop it,” Grady says. — *Adrian Black*

POOP ARGUMENT DEFEATED, FREE SPEECH UPHELD

Alley Valkyrie said from the beginning that closing the Wayne Morse Free Speech Plaza was unconstitutional, and a recent ruling in Eugene Municipal Court has proven her right, she says. The arguments in court centered on poop, which makes for giggles, but Valkyrie’s attorney, Lauren Regan of the Civil Liberties Defense Center, says it’s no laughing matter when someone’s free speech rights are being taken away.

“Whenever anybody’s constitutional rights are diminished, everybody’s rights are harmed,” Regan says.

Judge Karen Stenard dismissed the second-degree trespassing charge against Valkyrie Aug. 7. The protest arose out of work to protect the rights of the homeless by SLEEPS (Safe Legally Entitled Emergency Places to Sleep).

Regan alleges that fired Lane County Administrator Li-ane Richardson, who was responsible for closing the Free Speech Plaza, perjured herself on the stand. Regan says when she called Richardson to the stand, the administrator testified that she smelled human feces on Dec. 11 and talked to law enforcement, including Lieutenant Spencer Slater, who “confirmed that there was a smell of shit and feces and that was a public safety issue and a basis for closure.”

However, Regan says, when law enforcement took the

stand, Slater testified that he smelled feces for the first time on Dec. 13 after Valkyrie was arrested and the crowd dispersed. Regan says that Richardson then emailed the County Commission and lied about the basis of the closure order.

Luckily the protesters had “abundant awesome evidence on everything they did or did not do on that plaza,” Regan says, which directly contradicted Richardson’s testimony and led the judge to rule that “even under the least strict analysis the five-day closure was not narrowly tailored to meet a compelling governmental interest and was thus unconstitutional.”

Regan says, “That is important because it really goes to show that when you have an overzealous public official not honoring the law and not complying with state and federal constitutions, they can take actions like this that grossly violate people’s rights.”

Regan says that one government employee’s “knee-jerk” reaction to a lawful protest has now resulted in the closure of the Free Speech Plaza — a traditional public forum — for one-third of the day, from 11 pm to 6 am. She says that Lane County commissioners need to correct this and withdraw the amendment in the Administrative Manual that Richardson made on her own and “go back to the prior language that honored the Free Speech Plaza.”

A ruling has not been made on the 22 protesters who later chose to get arrested to protest the curtailment of their constitutional rights. — *Camilla Mortensen*

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— LAUREN REGAN, ATTORNEY

EPD OFFICER SMACKS 10-YEAR-OLD IN CUSTODY DISPUTE

It was the smack heard ’round the YouTube. On Sunday, Aug. 4, Eugene police officers were attempting to enforce a court order transferring custody of a 10-year-old child from his mother to his father at Monroe Park when an officer struck the child.

When the officers arrived the mother told the child to run. She says on her blog, “Please Don’t Steal My Baby” at wkly.ws/1j7, the father is not biologically related to the child, and the child doesn’t know him well. An officer caught the child, who bit him, and the officer slapped the child’s head. Bystanders filmed the incident on a phone and uploaded it to YouTube, and it’s been featured on *The Huffington Post* and *Inside Edition*.

“It’s outrageous that an officer would slap a child in the face under that circumstance,” says Laura Fine Moro, a criminal defense attorney who regularly deals with use of force issues. “The officer had other options, not the least of which is that he could have simply picked the child up and carried him.”

EPD Captain Karl Durr describes the inci-

dent as a tap, not a slap, and says it was intended to distract the child so he would stop biting. “Obviously, the child was not injured, the child didn’t fall to the ground, the child’s head didn’t even snap back,” he says. “Looking at that, it was effective.” The officer’s skin wasn’t broken, but EPD says there was a red mark.

Durr says EPD doesn’t have separate use of force guidelines for children, and there’s no textbook answer on how to move an unruly child, especially when bystanders are heckling the officer. “It’s like ground-fighting,” he says. “You just do your best to control the situation. I’m not going to say the officer should have done it differently. I think he did a good job of getting the child there without using restraints and getting him back to where he needed to.”

“Officers receive hours and hours of training and refresher courses on how to subdue and/or restrain individuals, and on how to avoid injury to themselves and others,” Moro says. “This officer created the circumstance which led to him being bitten and then responded in anger when it happened.”

The Eugene police auditor has initiated an investigation into the incident, and Oregon Department of Human Services plans a thorough investigation as well.

The video of the incident can be viewed at wkly.ws/1j5. — *Shannon Finnell*



**AN EPD OFFICER
HOLDS A 10-YEAR-OLD
CHILD INVOLVED IN A
CUSTODY DISPUTE**