

Attorney protests UCSC actions in logging arrest

By JOHN ROBINSON

Sentinel staff writer

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SANTA CRUZ — An attorney arrested as she tried to inspect logging on the edge of Elfland Monday has accused the university of preventing her from performing her legal duties.

Deborah Malkin, an attorney representing a UC Santa Cruz student group, had tried to obtain a court order to stop the logging earlier in the day. When that was refused, a judge allowed her another chance, provided she could find legal problems with the logging operation.

Malkin's claims as tried to enter the area by crossing a police line, she was arrested as UC Santa Cruz officials looked on, including the attorney she had been negotiating with only hours earlier.

Malkin was left handcuffed in a university van for the next two hours, while the loggers completed their work for the day and left.

"I think it is outrageous when you have an attorney who is going up there to gather information on an emergency basis who is then arrested," Malkin said. "And that the other attorney failed to intervene is outrageous. The university was acting in bad faith."

The arrest, Malkin said, prevented her from gathering first-hand information and properly representing her client. She said the officials knew why she was there, and that the arrest would make it more difficult for her to obtain a court order to stop the logging.

University officials agreed the arrest prevented Malkin from inspecting the operation, but said they were about to escort her into

the area when she walked through the police line and subjected herself to arrest.

"The bottom line is we feel she made a poor judgment call in challenging the officers," said Stephanie Hauk, assistant to Chancellor Karl Pister. "She was anxious to get into the site and didn't want to wait a few minutes."

As for intervening in Malkin's arrest, as officials had done earlier in the day when they freed an arrested television camera man, Hauk said it was not the officials' place to question the judgment of the officers.

Malkin's allegations are the latest charge in an ongoing controversy over how UCSC handled the logging situation that resulted in the arrests of 42 people, and claims of overly aggressive police actions.

The logging site, and surround-

ing areas, were the scene of confrontations between police and protesters objecting to the cutting of trees on the edge of an area known as Elfland. The trees were cut to make way for the construction of College Nine.

Malkin, an attorney who also serves on the executive committee of the regional group of the Sierra Club, was hired by a group called the Coalition to Move Colleges Nine and Ten.

Given only a few days to prepare a legal challenge to the timber harvest, Malkin attempted to obtain a temporary restraining order to halt the logging.

Superior Court Judge Samuel Stevens denied the request but gave her a second chance.

Sources close to the case referred to Malkin's attempt as "a day late and a dollar short."

"I think they just came into this too late," said David Birnbaum, a University of California attorney. "It's not the attorney's fault. But the facts of the lumbering plan had been known for months."

After meeting with Stevens and Birnbaum, Malkin rushed up to the campus to try and find a legal basis to halt the logging. Her attempt, lawyers said, was to center on problems with the timber harvest plan and the way the logging was being done.

Malkin arrived at the university around 4 p.m. as the protests were winding down, but emotions remained high. As she approached the site, a car with Birnbaum, Hauk and other UCSC employees came out of the site. Malkin asked them if she could go up on the site

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