

On the Friday night of August 26-27, 2011, following a Moscow demonstration that blocked a “megaload” of industrial equipment bound for Alberta tar sands mining operations, one driver (Sharon Cousins) and three passengers (Courtney ‘Cici’ Claar, Rachel Lee, and Helen Yost) traveled north on U.S. Highway 95 to Coeur d’Alene, Idaho. After successfully organizing or hitchhiking to participate in the protest on the previous evening, we were engaging in the lawful and fairly simple process of monitoring an ExxonMobil/Imperial Oil megaload convoy. Monitors typically follow such loads with video and still cameras and/or audio recorders and take note of every aspect of the transportation process that they observe en route. This monitoring detects and officially documents evidence of any damage to roadways and bridges, danger or delays to other highway users, and other conditions that megaload transporting might impose along rural Idaho roads. During this particular effort, we recorded in an audio file most of our observations and interactions within and beyond our vehicle.

According to the transportation plan and permit of the megaload hauling company Mammoet, the convoy must pull over every 15 minutes, as necessary, to clear traffic. Flaggers direct oncoming and following vehicles around the two-lane-wide, 200-foot-long, 400,000-plus-pound megaload. During these occasions, monitors usually move past the sided-lined convoy, find a reasonable location to stop and wait for it to pass, and eventually resume following the convoy when it is safe to do so. At about midnight, after passing the pulled-over convoy a second time, our driver stopped along the side of the highway to retrieve a snack, make a phone call, and wait for the convoy to pass. She asked the rear passengers to reach over the back seat and get a soda for her from the trunk area.

Moments later, Idaho State Police (ISP) officer Ron Sutton pulled up behind and approached our vehicle that was already parked with the emergency blinkers on and the motor idling. After the officer asked our driver for identification (ID) and noted that she had parked in an emergency-only lane, our driver informed the officer that she had pulled over to get a snack and make a phone call. An additional officer who arrived on the scene asked Sharon what she was doing while driving that evening and accused her of “leap frogging” the convoy, telling her that people had earlier noticed her vehicle following convoys on Highways 12 and 95. (The monitors had been approached at our previous stop by two different vehicles: first, by an ISP officer asking them to wait until the entire convoy had passed before resuming travel, then by a white flagger truck that aggressively pulled up behind our vehicle, flashed its lights, and honked its horn after the convoy passed.)

Officer Sutton began searching the car with his flashlight, noticing that the two backseat passengers (Courtney Claar and Helen Yost) were not wearing their seatbelts. The driver reminded the officer that she had asked the backseat passengers to reach behind their seats to retrieve a soda and snacks. After chastising the backseat passengers about the dangers of not wearing a seatbelt, Officer Sutton asked for identification from the vehicle passengers. The backseat occupants declined to provide their IDs. Helen Yost informed the officer that, under Idaho state law, passengers in a vehicle are not required to release their identification. The officer then asked for Helen’s name, to which she jokingly replied “Fred.” After a few minutes of Helen refusing to provide documented or verbal identification and the officers claiming that she was not wearing a seat belt while the vehicle was moving and that they had stopped us, Sutton cuffed and arrested Helen for resisting and obstructing an officer.

A few minutes later, Officer Sutton approached Courtney Claar and asked for her identification. She told the officer that she did not have her ID and asked why he needed to see it, as she had done nothing unlawful. Officer Sutton requested her name, to which she replied “Cici,” the nickname she frequently uses (in fact, no one in the vehicle was previously aware of her legal name). The officer asked for her middle name, and she did not answer the inquiry. After this exchange, she was also arrested for resisting and obstructing an officer, although she was never told her offense. Currently homeless and unemployed, Cici refused to provide her legal name until around 8 a.m. on Saturday in the Kootenai County jail. Until she did, facilities personnel threatened her with being detained indefinitely in a holding cell if she refused to cooperate by revealing her name.

Thanks to the generous and committed activists in our anti-megaload community, 13 people posted our separate \$300 bonds, provided gas funds or information about our situation, and/or drove and accompanied us back to Moscow. Upon release at about 2 p.m. on Saturday, after 12 hours of incarceration in the Kootenai County jail, Cici had still not received a citation document. Although we were not actively protesting, Helen Yost and Courtney Claar were referred to at the Kootenai County jail as the “Highway 95 protesters.” We and our supporters believe that the Idaho State Police may have intentionally targeted and harassed us and dozens of other megaload monitors, perhaps to discourage citizens who oppose this oil company traffic from further monitoring. Moreover, this was not the first instance of monitors being restricted and intimidated by ISP personnel while lawfully using public thoroughfares during megaload passage.

ISP’s blatant infringements of our most basic constitutional rights, captured in several recordings of our roadside interactions with state troopers, serve as prime examples of the ongoing oppression of megaload monitors that arose in February 2011, during ConocoPhillips equipment shipments on Highway 12, and that has steadily gained force on Highway 95. This condition was examined but not resolved during the Idaho Transportation Department (ITD) contested case hearing in April/May 2011, brought forward by 13 interveners concerned about ITD permitting of ExxonMobil/Imperial Oil megaload passage on Highway 12. Numerous monitor reports, court documents, and witness testimonies confirm not only widespread and unwarranted suppression of monitor activities but also an underlying conflict of interest for ISP officers charged with protecting public safety while being paid by a corporation to escort its loads that compromise that safety.

We believe that a counter-suit against ISP that questions their fabricated citations and unnecessary arrests on August 27 could both address the complaints raised by numerous other megaload monitors and challenge the many illegal intrusions of other police into the rights, privacy, and well-being of citizens when officers unlawfully demand identification. Informal consultations with attorney acquaintances have suggested that we have a strong federal civil liberties case that could illuminate and set precedent in under-examined areas of constitutional law.

For media coverage of our high-profile situation, allies in Spokane/Coeur d’Alene provided the press release for the first news of the incident, obtained from second-hand sources while we were

in jail: August 27 Spokesman-Review article by Mike Prager, *Three more megaload protesters arrested in Cd'A* (<http://www.spokesman.com/stories/2011/aug/27/three-more-megaload-protesters-arrested-cd/>). The second story was based on first-person accounts conveyed to more local media: August 29 Moscow Pullman Daily News story by Brandon Macz, *Megaload monitors arrested Saturday for obstruction outside Coeur d'Alene* (http://www.zacks.com/research/get_news.php?id=241e2831). A full-length interview of Cici Claar and Helen Yost aired between 24:51 and 1:16 on the September 2 KRFP Radio Free Moscow Evening Report, *Mayor Chaney on megaloads, police* (<http://radiofreemoscow.org/2011/09/20110902/>), while commentary and interview excerpts were broadcast earlier, during the August 29 KRFP Morning Mix, *Megaload monitors hauled off to jail* (<http://radiofreemoscow.org/2011/08/morning-mix-megaload-monitors-hauled-off-to-jail/>) and between 21:30 and 3:08 on the KRFP August 29 Evening Report, *Monitor arrest + news* (<http://radiofreemoscow.org/2011/08/20110829/>).

On September 12 in Coeur d'Alene, at the pre-trial hearing/arraignment of one of the megaload monitors arrested for not providing ID as a passenger allegedly not wearing a safety belt in a parked vehicle along Highway 95, prosecutors offered nearly two months in jail, a \$500 fine, and a year of probation in exchange for a guilty plea. Cici instead requested a public defender, although we are searching for a civil liberties-oriented lawyer. Listen to the September 12 KRFP Evening Report, *Committee wants police reimbursement*, between 20:42 and 17:08 at <http://radiofreemoscow.org/2011/09/20110912/>.