

# Obstruction lobby strikes again

Michael Costello/Lewiston Tribune

At times, I shake my head in awe that anything gets done in this country. It's bad enough that we have so many flea-ridden, drug-addled, Occupy Wall Street-types who, apparently jobless, find the time to protest the movement of megaloads over U.S. Highway 12 on their way to the Alberta, Canada, tar sands. That the court system inserts itself into the fray by creating obstructions only makes it more remarkable that our economy still has a pulse, though it barely does.

For reasons that defy logic, U.S. District Judge B. Lynn Winmill awarded the United States Forest Service veto power over so-called megaloads traveling east on U.S. 12. According to the judge, the fact that the highway passes through a national forest gives the Forest Service this authority.

I say that this defies logic because, even though my property line extends into the middle of the street in front of my house, I have no control over who drives on it. If all my neighbors, who collectively own the entire street, joined together, we still couldn't prevent anyone from using that street.

That's because the city owns an easement to the property. It would seem that a similar easement should have surrendered control of the land under the highway when it was built. What is the limit to the Forest Service's authority? Considering how politicized the federal government has become, what's to prevent the Forest Service from closing the road to vehicles manufactured in right-to-work states?

Whether Winmill's ruling makes legal sense or not, I cannot say. The law as manufactured and administered by the courts seems more arbitrary and capricious by the day.

The issue was back in court earlier this week when the Obstruction Lobby complained to that same judge that the Forest Service was not exercising its new dictatorial authority to stop megaloads. A huge evaporator owned by General Electric was permitted to make the trip last month.

The Nez Perce Indians argued before the judge that the megaloads were inflicting "irreparable harm" upon the tribe. If the Nez Perce attorney provided the judge with evidence of that irreparable harm, that bit of information did not make it into Tuesday's paper.

Making that case would seem to be quite a challenge. From my perspective, it's pretty difficult to imagine how trucks traveling over nearly empty roads, when just about every normal person is asleep, could do harm, irreparable or otherwise, to anyone. The only people who should be up at that hour are working the graveyard shift. And they're certainly suffering no harm from passing traffic.

In order to even be aware of the trucks' passage requires that the offended parties intentionally stay up past their bedtime, or set an alarm for 3 a.m. In other words, to be offended by, or to even be aware of the megaloads transit, one has to make an effort to be offended.

Courts generally require that victims take steps to mitigate their damages. It would seem that to ~~mitigate the damage that the offended parties now experience from megaloads would only~~ require that they go about their normal lives, mind their own business and then get a good night's sleep.

It's much easier for General Electric, the company that contracted for the latest megaload, to make the case that it is suffering irreparable harm from arbitrary and capricious delays. Every day that a megaload sits in the Port of Wilma costs GE money.

But even if you're a typical anti-corporate bigot, you should still consider the irreparable harm that the anti-megaload mob is doing to working people throughout the Northwest.

According to an article in this paper in July, each of the evaporators is built with \$2.5 million worth of materials purchased from the U.S. This means U.S. jobs and U.S. taxes.

The loads are brought up the Columbia and Snake rivers by tugboats. Those tugboats are owned and crewed by locals. Locals are employed unloading the megaloads from the barge and then loading them onto the trucks.

While they sit in Lewiston, 10 full-time employees are needed for two to three weeks to install insulation. And the fact that they're full-time jobs distinguishes them from most jobs created by Obamanomics. And, of course, there are the truck drivers, flag men and other support personnel needed to shepherd the loads over the pass.

Only the Obstruction Lobby is inflicting irreparable harm.

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