

Chapter 7 : Way Up High in The Redwood Giants



“I just wish Mr. Hurwitz would go out in the woods and take about a day and just sit down in inside a redwood grove. Maybe he’d have a different opinion (about) what’s going on. Rather than looking at a dollar bill, he’d be seeing a tree for its value.”

—John Maurer, Pacific Lumber shipping clerk, 1976-86.

“The employees of PL have no union or representation; they’ve been kidnapped. Whatever their employer requires, they must fulfill or risk unemployment. They’ve become forced through economics to support practices they would never have supported otherwise. PL employees are paranoid by necessity. Folks are so afraid of losing their jobs. There’s lots of fear in our community, fear that keeps us separated from one another.”

—Pete Kayes, Pacific Lumber blacksmith, 1976-91

Earth First! was committed to their Week of Outrage Against Maxxam, whether or not their message of forests and timber jobs forever was superimposed with images of mill worker George Alexander speaking through the bandages that covered his mutilated face. Greg King worried that the negative publicity for an act Earth First! didn't commit would indeed distract attention away from the real issue: the long term liquidation of the last remaining virgin redwood forests of Northern California. Darryl Cherney, however, assured everyone, "We will be upholding the laws. It is Pacific Lumber that is breaking them."¹ Beginning on Monday, May 18, Earth First! planned to conduct actions in several places specifically targeting Pacific Lumber operations, Maxxam offices, and related facilities.² The largest and most important of these was to be a multifaceted action on Pacific Lumber land in Humboldt County itself, targeting the Booths Run "All Species Grove" THP concurrently being contested by EPIC.³

In preparation for the demonstrations, on the day before a group of Earth First!ers attempted to block Pacific Lumber's main haul route into All Species Grove, while a second crew, including Larry Evans, Mokai, Kurt Newman, and Darrell Sukovitzin, conducted a group "tree sit" 120-150 high on four three-by-six foot suspended wooden platforms up in the giant redwoods nearby. Only two platforms were successfully deployed, however. Mokai had retreated at the advice of the other sitters for logistical reasons, and instead watched his would-be fellow climbers ascending their trees through binoculars. Newman was able to climb his tree, but his platform was intercepted by P-L security who arrived very quickly. From the canopies, the sitters hung large 30-foot banners with slogans such as "Save the Redwoods" and "Stop Maxxam" which also included a blood colored skull and crossbones. The sitters stayed up for several hours until Humboldt County sheriffs arrived, at which time Evans and Sukovitzin surrendered. Newman, on the other hand, remained in place until a professional P-L climber, Dan Collings ascended to his position, at which time Newman surrendered also.⁴ The three tree sitters, three of their support peo-

ple (Lynn Burchfield, Debra Jean Jorgenson, and Linda Villatore), and *Sacramento Weekly* reporter Tim Holt⁵ were arrested and spent two nights in the Humboldt County jail and faced fines of up to \$3000.⁶ They had collectively managed to remain in the trees for between 12 and 20 hours, but had hoped to remain longer to give the next day's action "staying power".⁷

As it turned out, the tree sits weren't needed anyway. The next day, the show went on at the enormous P-L log deck at Carlotta nearby, attended by 125 Earth First!ers and their allies holding banners, chanting, and singing songs, led by Darryl Cherney.⁸ The tree spiking furor had brought larger than expected numbers of media representatives to the action, and they got a good look at Maxxam's pillage and the Humboldt County sheriffs' heavy handedness firsthand. One demonstrator was slightly injured when a disgruntled, unsympathetic P-L employee attempted to storm the protesters at the logging gate by ramming them with his pickup truck.⁹ A group of three women swarmed the log deck attempting to display huge banners there.¹⁰ Although the sheriffs were anticipating the action and managed to arrest Agnes Mansfield, Aster Phillipa, and Karen Pickett¹¹, they were distracted long enough for Bettina Garsen, Tierra Diane Piaz, and "Sally Bell"¹² to ascend the log deck with banners conveying messages calling for a halt to old growth logging.¹³ The sheriffs eventually arrested the second group, and all six arrestees each spent a night in the county jail.¹⁴ Although the tree sit had been thwarted, the action turned out to be successful anyway, because P-L determined that it was in their short term interest not to haul any logs during the demonstration, and this nevertheless advanced Earth First!'s strategy beautifully.¹⁵

⁵ "Reporter Jailed in Humboldt", by Tim Holt, *Country Activist*, June 1987.

⁶ Hans, May 19, 1987, op. cit.

⁷ "Maxxam-um Protests", *EcoNews*, June 1987.

⁸ Harris, David, *The Last Stand: The War between Wall Street and Main Street over California's Ancient Redwoods*, New York, NY, Random House, 1995, Pages 16-18.

⁹ *EcoNews*, June 1987, op. cit.

¹⁰ "Protest in the Trees", by Mike Geniella, *Santa Rosa Press Democrat*, May 19, 1987.

¹¹ Mokai, Litha / June 21, 1987, op. cit.

¹² Hans, May 19, 1987, op. cit.

¹³ Mokai, Litha / June 21, 1987, op. cit.

¹⁴ Geniella, May 19, 1987, op. cit.

¹⁵ "Tactical Thoughts on the Maxxam Protests", by Socratrees, *Earth First! Journal*, Litha / June 21, 1987 ("Socratrees" is actually Darryl Cherney).

¹ "Earth First Vows to Fight Timber Firm", by Mike Geniella, *Santa Rosa Press Democrat*, May 17, 1987.

² "National Protest Targeting Maxxam Cutting of Redwoods", Press Release, *Mendocino Commentary*, May 21, 1987.

³ "6 Arrested in PL Protest Near Carlotta", by Betsy Hans, *Eureka Times-Standard*, May 19, 1987.

⁴ "Earth First! Protests Maxxam Redwood Logging from California to New York City", by Mokai, *Earth First! Journal*, Litha / June 21, 1987.



A protest also took place in at the Pacific Lumber sales office in Mill Valley, a small northern Bay Area town nestled at the base of Mt Tamalpais in the San Francisco Bay Area. Demonstrators glued 800 pounds of Douglass fir tree stumps in the entryway barring the front door to the facility on Shoreline Highway.¹⁶ Meanwhile three protesters, including Mill Valley carpenter Dan Zbozien, ascended the sixty foot decorative redwood clock tower that adorned the office and unfurled a banner reading “PACIFIC LUMBER STOP THE PLUNDER!” As P-L sales employees arrived for work, they noticed the demonstration unfolding and contacted Marin County Sher-

iff's Deputies, who arrived on the scene in minutes.¹⁷ Sheriff's deputies arrested five in all, including Zbozien, Helen Matthews, Brian Gaffney, Tim Richardson, and Tim Reck. They were charged with the misdemeanors of trespassing and vandalism.¹⁸ A hook and ladder truck from a local fire department was dispatched to extract the climbers from their perch.¹⁹ Of the three, Zbozien was the only arrestee, as the other two descended after being ordered to do so by the law enforcement agents. Zbozien, on the other hand, tied himself to the top of the tower²⁰, refusing to come down until a deputy ascended the raised fire truck ladder, at which point the activist traversed down the structure's other side only to be detained once he reached the ground.²¹ He declared, “We're the ones who are being treated like criminals, (but) it's the (CDF) that is not upholding the law”.²² He was charged with resisting arrest. All five arrestees were released later that afternoon on their own recognizance.²³

Additional demonstrations happened elsewhere too. A small group of Earth Firsters protested the rubber stamping of Timber Harvest Plans (THPs), picketing peacefully, without incident at the California Department of Forestry (CDF) office in Santa Rosa.²⁴ Fifteen Los Angeles Earth Firsters held banners in front of the Maxxam controlled MCO offices, and Denise Conway-Mucha, dressed as Mother Earth, unsuccessfully tried to carry a baby Sequoia into the office, though no arrests took place.²⁵ In Houston, Texas, fifteen Earth Firsters (including a disgruntled lumberjack named Bob Gartner—who informed passersby that “Hurwitz was destroying America!”) demonstrated in front of Maxxam headquarters accompanied by cardboard redwoods and living cedars. Lisa Henderson, Sedge Simmons, and Jean Crawford tried to deliver a list of demands to Hurwitz's office, but were stopped by security, so the demonstrators held a mock tribunal instead and

¹⁷ “Tree Stumps Dumped at Lumber Firm's Door”, by John Todd, *San Francisco Examiner*, May 19, 1987.

¹⁸ “5 Arrested in Marin in Protest of Logging”, by Dale Champion and Erik Ingram, *San Francisco Chronicle*, May 19, 1987.

¹⁹ Todd, May 19, 1987, op. cit.

²⁰ Champion and Ingram, May 19, 1987, op. cit.

²¹ Geniella, May 19, 1987, op. cit.

²² Todd, May 19, 1987, op. cit.

²³ Geniella, May 19, 1987, op. cit.

²⁴ Mokai, Litha / June 21, 1987, op. cit.

²⁵ “Los Angeles”, by Peter Barvier, *Earth First! Journal*, Litha / June 21, 1987.

¹⁶ Geniella, May 19, 1987, op. cit.

found a dummy facsimile of Charles Hurwitz “Guilty of Crimes of Nature.”²⁶

Elsewhere the brand new New York City chapter of Earth First! held its inaugural action by marching over to the offices of DBL. Forty activists had attempted to demonstrate at Maxxam’s old headquarters only to find that their offices there had been vacated only two weeks previously.²⁷ They were joined by members of Greenpeace, the Green Party, Rainforest Action Network, Big Mountain Support Community, and the previously existing Long Island Chapter of Earth First!²⁸

In Washington DC, Earth First!ers leafleted at the offices of the Securities and Exchange Commission, and arranged for a formal meeting with an SEC representative to discuss the Maxxam takeover of P-L.²⁹

In spite of the heavy police presence, a mere eighteen arrests took place in total, all of them in northwestern California, and all of the demonstrations were nonviolent. In response to all of the arrests Greg King declared, “We should be looked at as heroes, not as criminals. The action today is just the beginning. We want to continue the protest throughout the summer.”³⁰

At least one Pacific Lumber mill worker, speaking anonymously, agreed and reacted to the week of outrage against Maxxam somewhat favorably, albeit cautiously, exclaiming:

“Everybody knows (the new ownership) are doing too much, but no one feels free to say too much of anything. If you’re working here, you’re stuck in the middle... The mill workers’ involvement is more than just apathy (however)... If (the demonstrators) had been here (a year ago) when we needed them we would gladly be on their side.”³¹

Earth First! was not above self criticism. Darryl Cherney very candidly assessed the actions in the pages of the *Earth First! Journal*, citing both positive and negative aspects of the week of outrage. On the plus side, the action was publicized in the local press and on

²⁶ “Houston”, by Jean Crawford, *Earth First! Journal*, Litha / June 21, 1987.

²⁷ *EcoNews*, June 1987, op. cit.

²⁸ “New York City”, by Matt Meyers, *Earth First! Journal*, Litha / June 21, 1987.

²⁹ *EcoNews*, June 1987, op. cit.

³⁰ Hans, May 19, 1987, op. cit.

³¹ Geniella, May 19, 1987, op. cit.

every major news network in California, the “Today Show”, the *San Francisco Chronicle*, the *Los Angeles Times*, and the *Houston Post*, which also featured accounts of Hurwitz’s past battles with celebrities such as Frank Sinatra and Susan Marx. This was also the first time that Earth First! attempted to carry out coordinated actions in seven widespread locations, which they did successfully. They closed Maxxam offices in three locations. They stayed “on message” mostly deflecting the attempted distraction by L-P and the Corporate Press on the tree spiking controversy. They carried out their actions using affinity groups, which allowed for decentralized yet coordinated actions and support (including groups for media, video, reconnaissance, tree climbers, jail support, telephone communications, drivers, legal, entertainment, two-way radio operators, fundraisers, base camp coordinators, and more), and they were able to organize all of this in two weeks. And, as these were the days long before activists had access to cellphones or the Internet, they were able to maintain telephone communications by stationing support people at payphones and in offices to keep each affinity group networking with each other.³²

Also positive was the fact that the rallies, which also included several hundred demonstrators at the Hydesville action, drew in a diverse group of supporters, who demonstrated against Maxxam for a variety of reasons. Some were there to protect wildlife; others to ensure the long term employment of timber workers. One such demonstrator, Dave Ziegler, himself a woodworker, had attended the action after seeing a flier announcing it on a telephone pole in Arcata. Ziegler had worked for the Forest Service for ten years marking diseased timber in salvage sales, and he loved Humboldt County and working in the woods. He was by no means opposed to logging, but he believed that an outside corporation, like Maxxam, having control over local resources was a recipe for disaster and demonstrated to show his convictions. He immediately felt at home in Earth First! after the week of outrage.³³ No doubt many citizens concerned with the destruction of the old growth redwoods looked favorably upon Earth First! in spite of the negative publicity created by L-P’s linking of the Cloverdale mill accident to the radical environmentalists.

Still, every successful action had its weak points, and Cherney was not afraid to discuss these

³² Socratrees, Litha / June 21, 1987, op. cit.

³³ “Dave Ziegler: One of 40-100 Protesters at the Maxxam Log Deck in Fortuna”, Interviewed by Beth Bosk, *New Settler Interview*, Issue #21, June 1987.

also. The tree spiking announcement was unexpected, and though it was handled well by Earth First!ers on the North Coast, it still distracted attention. Virtually every major story on the week of outrage, both during the lead-up and the aftermath mentioned the incident.³⁴ Anticipation of similar corporate manufactured distractions in the future was imperative. Also, a potentially violent situation, instigated by the disgruntled employee who attempted to run down demonstrators in his pickup truck, almost got out of control when Earth First!ers responded by shouting at police who were present but didn't intervene. Finally, although the tree sitters were mostly successful, they were somewhat careless with the deployment of their equipment, opening themselves up to being arrested, which happened and perhaps could have been avoided.³⁵

Apparently, Earth First!'s efforts also grabbed the attention of the politicians in Sacramento (California's state capitol). Shortly after the Week of Outrage, State Senator Barry Keene had proposed a measure that would limit rapid increases in timber harvesting, at least in theory. SB1641 would limit increases in the acreage cut in single watersheds to no more than 20 percent above the average of the preceding five years, unless the harvesters could pass strict tests of environmental protection in public hearings. A Senate committee approved the bill on May 18, but amended it to allow Pacific Lumber specifically to base their limits on the previous three years cut as opposed to five, and also exempted any timber company whose increased cut was enacted to facilitate the repayment of estate taxes. Amendments also doubled the existing penalties for tree spiking that resulted in body injury from three to six years in prison.³⁶ The bill passed through the California State Senate by a vote of 22-16.³⁷

The bill received the support of timber unions and commercial fishermen, but the opposition of Corporate Timber.³⁸ It was also criticized by many environmentalists, because they considered the bill's wording to be weak and it included a provision allowing the CDF Director to exempt THPs at their

discretion.³⁹ The Sierra Club's North Coast chapter originally opposed the bill after the amendment, but then reversed itself a month later calling the measure, "The best opportunity we have in the current session of the legislature to address the problems of forest management in northwestern California."⁴⁰ Furthermore, Greg King was convinced that the primary motivation behind it was an attempt by Keene to "get back at" Maxxam for funding his Republican opponent in the previous year's election.⁴¹ On the other hand, CDF director Jerry Partain—who had run against Dan Hauser in the same election—denounced the bill, accusing Keene of "shaking down" the timber industry.⁴² Still, even this weak bill wouldn't have been considered had Earth First! not made a stand against Maxxam.⁴³

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Less than a month after the Week of Outrage, three unidentified Earth First!ers discovered and then deflagged five miles of an attempted logging road through the Headwaters Forest. According to their account, the flags began at the end of a road near the highest point of the Little South Fork of the Elk River, about 1,700 feet above sea level; their course then wound through the southern portion of THP 240; and then subsequently ran northwards into the THP, then continued along the Little South Fork's northeastern ridge into the heart of Headwaters, where there were no proposed logging plans. The road then forked, headed north into the high ridges, and southwest toward the Little South Fork drainage. Although the flagging ended before reaching the stream, the watercourse itself was flagged far beyond the boundaries of *any* existing THP. It was apparent that the CDF was not only approving THPs based on dubious criteria, they weren't even doing a thorough job of policing them.⁴⁴

As a result of this discovery, EPIC sued Pacific Lumber and the CDF for THPs 1-87-230, 240, and 241HUM. The case argued that the THPs violated the requirements set forth by the Z'berg-Nejedly Forest

³⁴ Hans, May 19, 1987, op. cit.; Todd, May 19, 1987, op. cit.; "Arrests Over Tree Cutting", AP Wire, Ukiah Daily Journal, May 19, 1987

³⁵ Socratrees, Litha / June 21, 1987, op. cit.

³⁶ "Victory for Keene's Timber Bill", UPI Wire, Eureka Times-Standard, May 19, 1987.

³⁷ "Two Strokes for Old Growth", By Andy Alm, EcoNews, July 1987.

³⁸ "Slow Clearcutting Bill Amended and Defended", by Andy Alm, EcoNews, June 1987.

³⁹ "Civil Disobedience: His Key to Survival", by Enoch Ibarra, Humboldt Beacon and Fortuna Advance, May 13, 1987.

⁴⁰ "Two Strokes for Old Growth", By Andy Alm, EcoNews, July 1987.

⁴¹ Ibarra, May 13, 1987., op. cit.

⁴² "Slow Clearcutting Bill Amended and Defended", by Andy Alm, EcoNews, June 1987.

⁴³ "Liquidating the Last Redwood Wilderness", by Greg King, Earth First! Journal, Lughnasadh / August 1, 1987.

⁴⁴ King, Lughnasadh / August 1, 1987, op. cit.

Practices Act and the California Environmental Quality Act, and asked for a Temporary Restraining Order against the harvesting of logs there. Three Humboldt County Superior Court judges and one from nearby Trinity County all disqualified themselves from the case citing “conflicts of interest”, and the fifth judge, Frank Petersen of Del Norte County took up the case.⁴⁵ Pacific Lumber’s attorney, Jared Carter, charged that EPIC’s request for a TRO was invalid, because—in spite of the clear and obvious evidence that P-L was not even complying with the stipulations of their THPs, let alone the law—the data had been obtained by an illegal trespass onto “private property”. EPIC requested that they be allowed to inspect the THPs themselves, but both P-L and the CDF balked at this request.⁴⁶

On July 9, Petersen ruled in favor of P-L, declaring, “The court does not think (EPIC) has made a sufficient showing or that the law allows the general public to go upon private property for an on-site inspection,” but he added that the denial was “without prejudice” which opened the door for the issue to be revisited.⁴⁷ “Woods” declared, “We believe the judge’s ruling is quite unfair. It will prevent us from introducing some important evidence, but we still have a strong case.”⁴⁸ EPIC’s attorney Jay Moller had agreed, arguing:

“(The THP process has been rendered) so unfair, insipid and irrelevant that it violates EPIC’s constitutional due process rights [and] the California Environmental Quality Act... The Forest Practices Rules and Regulations... have been amended and altered to an extent which now renders [their] certification a nullity... EPIC contends the last ten years of amendments at the behest of the timber industry has finally rendered the THP process a bad joke.”⁴⁹

The Judge also granted the environmentalists one other significant concession. Petersen agreed that evidence *questioning the CDFs methodology* was admissible in court, stating that EPIC could indeed question the agencies motives for approval and discuss whether

they had “abused their discretion,” which opened the door to further legal scrutiny by citizen watchdog groups such as EPIC to expose what they perceived to be significant loopholes in both CEQA and Z’berg-Nejedly.⁵⁰ Pacific Lumber had won a battle but was exposed as being quite vulnerable to losing the war.

Quickly P-L management fell back to bolster their defenses. California Deputy Attorney General Bruce Klafter representing the CDF spun the ruling as a victory, stating, “This is what we were hopeful would happen... We’ll have to prove we had enough evidence to reach the conclusion. We don’t have to prove that our judgment was right... (the public) doesn’t have the right to inspect. Errors were admitted and we are correcting those.” However, Klafter’s statement omitted the fact that Judge Petersen had noted the “errors” himself, including the lack of information in one THP about how the logs would be skidded or loaded from the logging area, and admissions by both P-L and the CDF that a legally required response to challenges from environmentalists were omitted in the second plan.⁵¹ P-L’s attorney, Jared Carter, attempted to dodge the issue by pleading incompetence. Carter stated, “there is an error in the manner in which (THP) 230 was handled,” and that THP 240 “was incomplete in a material way... The THPs should have been denied” by CDF. At the latter’s urging, P-L withdrew the contested THPs, at least temporarily. In response, EPIC withdrew their request for a TRO at least until the matter could be settled legally.⁵² However, Greg King was unconvinced that Maxxam was actually copping to having broken the law in collusion with the CDF, declaring:

“PL’s admission of illegalities appeared to be a tactical move to remove 230 and 240 from the lawsuit. The company submitted a writ that agreed to an injunction to stop logging until CDF received amendments for the plans that P-L contends would bring them into compliance with state legislation.”⁵³

EPIC didn’t stand down completely, however. That same month they filed challenges to five other Pacific Lumber THPs. THP 1-87-422 proposed logging 251

⁴⁵ “Two Strokes for Old Growth”, By Andy Alm, *EcoNews*, July 1987.

⁴⁶ “Judge Sides with PL and CDF”, by Marie Gravelle, *Eureka Times-Standard*, July 10, 1987.

⁴⁷ Gravelle, July 10, 1987, op. cit.

⁴⁸ “P-L, Irked by Dancers, Goes to Court,” by Andy Alm, *EcoNews*, August 1987.

⁴⁹ King, Lughnasadh / August 1, 1987, op. cit.

⁵⁰ Gravelle, July 10, 1987, op. cit.

⁵¹ Gravelle, July 10, 1987, op. cit.

⁵² “Two Forestry Employees Testify at PL Trial They Felt Intimidated for Questioning Harvest Plans”, by Marie Gravelle, *Eureka Times-Standard*, September 4, 1987.

⁵³ King, Lughnasadh / August 1, 1987, op. cit.

acres of residual old growth in the Van Duzan river tributary Grizzly Creek. Pacific Lumber already had three active logging plans there comprising as much as 20 percent of the watershed. In this instance, EPIC was joined by a local watershed association called “Friends of the Van Duzan” who were concerned about erosion and sediment discharge. EPIC also filed challenges to THP 1-87-359, a 138 acre “seed tree removal” (practically a clear-cut) cut in Jordan Creek; 1-87-390, an 81 acre clearcut proposed for Beer Bottle Creek in the headwaters of Bear River; 1-87-323, a 263 clearcut of old growth near Lawrence and Yager Creeks near the site of the attempted tree sits during the Week of Outrage; and 1-87-427, a 385 partial cut of old growth at Elk Head Springs. All of these logging plans proposed clearcutting, old growth redwood logging, or both.⁵⁴

Due to EPIC’s diligence, the door to challenging Corporate Timber’s THPs through the review process had been cracked open, and Corporate Timber was determined to slam it shut again as tightly as possible. Maxxam and its agents were determined as possible to prevent the public from witnessing potential violations of *Z’berg Nejedly*, no doubt in hopes that they could operate under the cover of darkness, but even these efforts backfired, sometimes literally. In one particularly bizarre incident, while *CBS News* was interviewing Greg King on the boundary of the P-L’s clearcut of All Species Grove, four shotgun blasts rang out to the north. Then King noticed the glint of light reflecting off a pair of binoculars. Quickly, the media crew and King spied an unmarked white pickup truck speeding away from the direction of the gunfire on one of the logging roads within the logging site.⁵⁵ There was but one P-L employee who drove a vehicle of that particular color (all other P-L employees drove orange vehicles): company security chief Carl Anderson.⁵⁶ A few minutes later, four shots rang out much closer, this time to the south. Again, the group quickly spotted the same white pickup, and again it was near the location of the gunfire. King and the media crew hightailed it out of there. Then King contacted Robert Stephens and David Galitz to ask if they knew anything about the incident. Both spokesmen disclaimed any knowledge of the shooting, and Galitz declared that P-L’s security carried no such weapons.⁵⁷

⁵⁴ “Watchdogs Stalk P-L”, by Jude Wait, *EcoNews*, August 1987.

⁵⁵ King, Lughnasadh / August 1, 1987, op. cit.

⁵⁶ Harris, op. cit., pages 192-93.

⁵⁷ King, Lughnasadh / August 1, 1987, op. cit.

One month later, as the thirteen Humboldt County arrestees from the Week of Outrage made assembled at the Fortuna Courthouse to face judgment for their criminal charges, P-L legal representatives served each of them with subpoenas for civil charges as well.⁵⁸ Maxxam accused each of the defendants with “(malicious activity) to oppress (sic) Maxxam / Pacific Lumber”, claiming that the defendants “willfully conspired to commit trespass’.”⁵⁹ Maxxam also named 100 Jane and John Does—which allowed other activists to be specifically identified and added to list of charged parties—bringing the total number of defendants to 113, about the number that showed up in Carlotta on May 18.⁶⁰ Dave Galitz explained the legal dragnet as response to the company having shut down its Carlotta facility on the day of the demonstration insisting, “We incurred extra costs to protect our property, and I believe we are entitled to seek legal recourse.”⁶¹ The timing of the civil charges was highly suspect, and probably had more to do with the recent revelations over the contested THPs than one day’s lost production, which cost the billion dollar Texas conglomerate \$42,000, a drop in the bucket to them, but probably at least double the annual wages earned by any of the thirteen arrestees.⁶² Of the thirteen, the District Attorney charged nine, and all planned to plead “not guilty.” The attorney for some of the group quickly identified the civil charges as “a tactic to coerce people to plead guilty and stay away from P-L.” He indicated that they might conceivably use the “necessity defense” charging the company with greater crimes as justification for their relatively minor offense.⁶³

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Earth First!, opted to use direct action to prevent further cutting in THP 1-87-427HUM (All Species Grove). Greg King and fellow Earth Firstler “Jane Cope” began a tree sit there that would last five

⁵⁸ “Pacific Lumber Sues Earth First! Members”, by Marie Gravelle, *Eureka Times-Standard*, July 22, 1987.

⁵⁹ “Maxxam Sues Protesters & Sally Bell”, by Darryl Cherney, *Country Activist*, August 1987 and *Earth First! Journal*, Mabon / September 23, 1987.

⁶⁰ “Tame the Savage Timber Beast”, by Bob Martel, *Country Activist*, September 1987.

⁶¹ “Pacific Lumber Sues Earth First! Members”, by Marie Gravelle, *Eureka Times-Standard*, July 22, 1987.

⁶² Cherney, August 1987 and Mabon / September 23, 1987, op. cit.

⁶³ “Pacific Lumber Sues Earth First! Members”, by Marie Gravelle, *Eureka Times-Standard*, July 22, 1987.

days.⁶⁴ Greg King and another Earth Firster conducted a midnight reconnaissance of the targeted grove on August 9, 1987, just over two weeks before the action. They chose a site where a clearcut bordered on a standing old growth grove, which—King felt—would provide an excellent contrast and an ideal location for a banner (which would in turn provide an excellent media oriented photo-op). Assisted by a group of thirteen supporters, they carried approximately 500 pounds of climbing gear, food, and clothing eight miles to base camp. Using CB radio to coordinate their actions, the crew selected two eight-foot diameter trees facing the clearcuts to the north. After a second group of supporters arrived at sunset, the entire group began to establish the two platforms which would support King and Cope for the foreseeable future.⁶⁵

Establishing a tree sitting platform was no simple task and the work was slow and measured. The platforms were positioned on the trunk, because the brittle redwood branches and limbs could break far too easily.⁶⁶ The support crew had to first ready the platforms by using a tandem system to spur climb the trees. Their gear consisted of rock climbing equipment (carabiners and rope, mostly). This work began at around 8 PM. Eight hours later, the crews had equipped King's platform complete with girth hitches for the hanging of supplies, which were hoisted up to the sitters using a pulley system. Jane's platform, being raised concurrently was completed an hour later.⁶⁷ Such a lot of effort and risk of arrest (for misdemeanor trespassing) might have seemed wasteful, but not weighted against what the Earth Firsters considered a much bigger set of crimes being committed by Maxxam, and the fact that they had exhausted all legal and political remedies available to them thus far to halt the clearcutting of All Species Grove.⁶⁸

Once completed, their set up was deceptively simple. From his platform 130 feet up in the air, Greg King could see all the way to Eureka and the Pacific Ocean beyond. Less than a quarter mile away, P-L loggers were busy clearcutting old growth redwoods

in a nearby grove.⁶⁹ Hanging here and there in the tree, near King's platform were his sleeping bag, blankets, ropes, extra clothing, food, and a bunch of climbing equipment.⁷⁰ His gear was placed partly out of convenience (due to the limited space) and functionality (to balance the platforms if necessary).⁷¹ Jane Cope was perched similarly in nearby tree, fifty feet away. A rope which the sitters could traverse in order to converse in close quarters should they be spotted by P-L security or loggers, connected the two platforms.⁷² From Greg King's platform hung a huge banner reading "FREE THE REDWOODS" and from Jane Cope's a similarly hung banner declared, "THIS TREE HAS A JOB – HURWITZ OUT OF HUMBOLDT". Both planned to stay indefinitely if necessary⁷³ and could be resupplied by their ground crews, assuming they could make it to the base of the occupied trees consistently unmolested.⁷⁴

Tree sitting, even if just for one day, was an austere existence, even by Earth First! standards. Greg King recalls that the food consisted of a lot of fruit, rice cakes, crackers, cheese, four cans of sardines (for the protein), carrots, and bread...essentially anything that was compact and easily transported. He brought far more clothes than he ultimately needed, discovering that a single change was sufficient. King answered the questions probably on just about everybody's mind when he revealed that tree sitters usually urinated off the side of the platform (taking care not to do so if anyone were in range below) and defecated in a paper bag, which they in turn would then fold up and discard over the side, as such waste material was biodegradable and would compose in a matter of days in the dense redwood ecosystem. Special care was taken to chose a separate and distinct location each time, which was actually done out of respect for the timber workers, as accumulated leavings would likely decompose much more slowly and become a potential hidden booby trap.⁷⁵

⁶⁴ "Tree Perching, Part 2", Jane Cope Interviewed by Beth Bosk, *New Settler Interview*, Issue #26, November 1987.

⁶⁵ "Redwood Tree Climbers", by Greg King, *Earth First! Journal*, Mabon / September 23, 1987.

⁶⁶ Bosk, November 1987, op. cit.

⁶⁷ King, Mabon / September 23, 1987, op. cit.

⁶⁸ "Live from 150 Feet High", Greg King Interviewed by Socratrees, *Country Activist*, September 1987.

⁶⁹ "Tree Perching, Part 1", Greg King Interviewed by Crawdad Nelson, *New Settler Interview*, Issue #24, September 1987.

⁷⁰ Socratrees, September 1987, op. cit.

⁷¹ Bosk, November 1987, op. cit.

⁷² Socratrees, September 1987, op. cit.

⁷³ Socratrees, September 1987, op. cit.

⁷⁴ King, Mabon / September 23, 1987, op. cit.

⁷⁵ Crawdad Nelson, September 1987, op. cit.

On the other hand, the experience was also richly rewarding. From her tree, Jane Cope could almost literally drink in the entire experience of the old growth forest, which she later described vividly. She noted that time was no longer regulated by clocks, but by the rising and setting of the sun. The pace of life seemed much slower and yet fuller. “Noisy human presence in the forest sends away the wildlife you would otherwise see,” she later recalled. Although she and King didn’t visually observe nearly as much wildlife as they had originally expected, they still witnessed crows, nuthatches, and an occasional woodpecker. The crows were seen mostly flying by, and the smaller birds were watched eating in the redwood canopy. Far more numerous were the insects, including several species of ants, spiders, and beetles. Cope noticed an intense, intricate network of travel ways that the insects used through the furrows and sinews of the bark of the 250 giant redwoods and along the branches to make their way out to the greenery. Considering the sheer magnitude of the tree’s height compared to the relatively miniscule insects, the distance travelled from the ground and back was staggering indeed. To get yet another view, she climbed, by hand, further up the tree, halfway to the crown, about 190 feet aboveground. Cope was quite familiar with the scents of the forest, having been a forest preservation activist for five years already, but she was struck by the contrast between the earthy, soil dominated scents normally experienced on the forest floor and the much less commonly experienced needle and foliage heavy smells up in the forest canopy. She also noted how much fresher the air was up there.⁷⁶

For three days they were undetected and left alone by Maxxam, but on the morning of August 31, the fourth day, they were discovered, when a logger working nearby noticed King’s banner and ran over

to the perched trees. “You guys are crazy!” he shouted. He was soon joined by his crew who were motivated as much by curiosity as they were by anything else, but shortly after that, however, “peer pressure and managerial oppression” forced the crew back to their task of clearcutting the nearby woods. King and Cope did draw attention from three P-L security crew members and two Humboldt County sheriffs who issued the inevitable proclamation that the tree sitters were trespassing, to which King responded by declaring that Maxxam “had abrogated its right to private property via the destruction of same”. Cope refused to descend from her tree until Maxxam ended its old growth logging. Carl Anderson, no doubt out of pride as much as a sense of duty, grew impatient and dispatched climber Dan Collings to remove King’s banner, which he did. However, Greg King had a surprise for Anderson and Collings, and, no sooner had the latter removed the first banner, when Greg King unfurled a second, extra banner he had kept stashed for just such a contingency, which read, “2000 YEAR OLD – RESPECT YOUR ELDERS.”⁷⁷

“Climber Dan”—as he has become known—is approximately the same age as King and Cope (who were in their late twenties at the time), and being of the same generation, naturally shared some of the tree sitter’s interests and cultural framework. Jane Cope even regarded him as something akin to a brother. Collings was charged with removing the platforms from the trees and was always watching for an opportunity to do so.⁷⁸ He was an accomplished athlete and could climb trees in a third of the time it had taken the Earth First!ers to

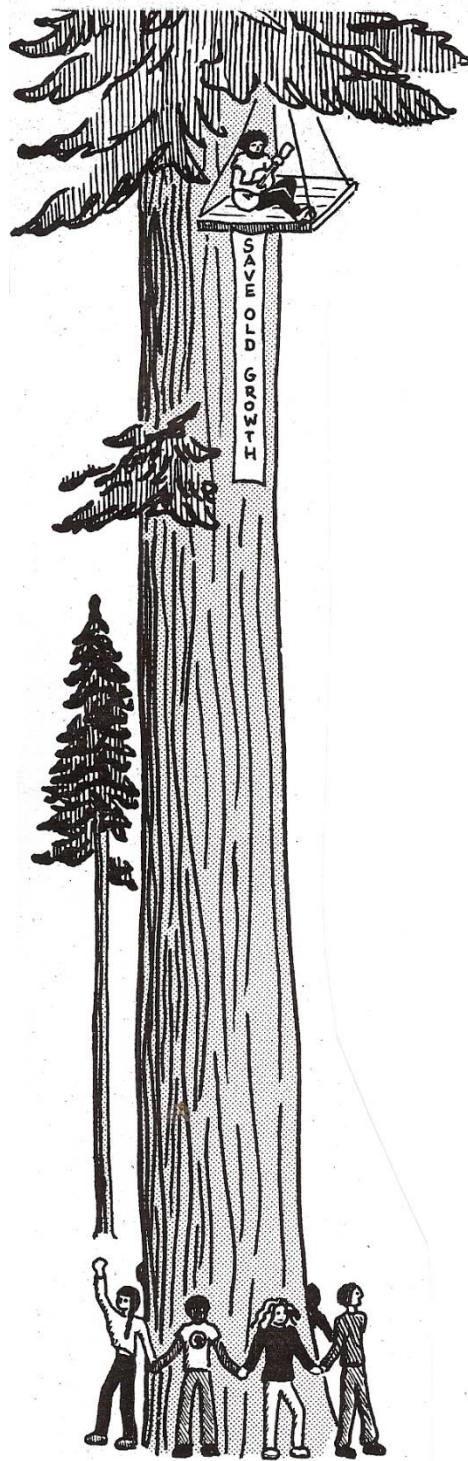


Image by Judi Bari

⁷⁷ King, Mabon / September 23, 1987, op. cit.

⁷⁸ Bosk, November 1987, op. cit.

⁷⁶ Bosk, November 1987, op. cit.

set up the platforms in the first place.⁷⁹ He was also a third generation logger, and his grandfather had worked for the old Pacific Lumber. He also coached little league baseball in Rio Dell when he wasn't climbing trees professionally. Collings' job, in fact, usually involved working high up in the forest canopy, removing the crowns of the big trees ready to be harvested, to keep the wood from splintering as the huge trees were felled. He received an hourly rate, plus piece-work for each tree climbed. However, in this instance, he ascended the tree gratis, though he had been offered \$100 from a private individual if he was successful in removing the tree platforms⁸⁰ (which he wasn't).⁸¹ Collings was by no means an Earth Firstler, but he quietly admitted he felt that Charles Hurwitz's accelerated at least a potential threat to his job security. In fact, he agreed that clear-cutting was ugly and posed a problem.⁸²

Indeed, there was a lot of common ground established between the tree sitters and the loggers. Everyone, even the sheriffs, seemed to agree that Maxxam's clearcutting looked extremely ugly, leaving no underbrush, trees, or biomass at all. The workers were "funny, witty ... kind of loud and obnoxious", though Greg King surmised that this was partly just an act. While some of the loggers were hostile, others were quite friendly and agreed that clearcutting was wrong—albeit for reasons (economic) other than those expressed by the tree sitters (ecological). Practically everyone disliked Charles Hurwitz intensely, and one logger agreed that they shouldn't have been cutting old growth. They didn't see eye-to-eye on every issue, but both factions gained respect for the other, even if they couldn't always agree.⁸³

Jane Cope assumed that most of the loggers felt positively about their work, experiencing something of an adrenaline rush as they had their way with the big trees, and that was accompanied by the expected back-slapping and camaraderie typical of male bonding. There is a myth and machismo inherent in the culture of logging, and as loggers, she could see how they considered themselves "real men". Yet, she also sensed that the loggers had a great deal of respect for the courage of the Earth Firstlers convictions, and she heard as many positive comments as she heard

negative ones. She recalls back-and-forth dialog between herself and the workers, including the general talking points issued by corporate timber, dutifully repeated by the (non-union) workers, even though, in her estimation, they probably only halfheartedly believed the rhetoric themselves:

"The trees are rotting."

"Of course they are rotting. That's what they're supposed to do."

"This is private property."

"Well, property is theft. There are some things that no man can own, and a forest is one of them..."⁸⁴

Getting past the standard arguments on both sides, Earth Firstlers and P-L workers discussed where they liked to fish, where they spent their leisure time with their families, and how logging pays the bills. Cope agreed that the workers had a right to make a living, but that it could be done much less invasively. She found herself saying to them, "You guys have got to fight for your right to make a living in an ecologically sound way and to make it over time and to leave a resource here your sons and daughters can also log if they want to."⁸⁵ Greg King agreed that the money taxpayers paid for STLR expansion Redwood National Park—seventy thousand acres of cut over land—could have instead been spent purchasing Pacific Lumber and using the money to operate the company sustainably again, preserving much higher quality wilderness, and compensating the employees fairly.⁸⁶ He also declared:

I'd like to tell them that I empathize deeply with them. I did manual labor putting myself through junior college. I worked at Safeway for five years, did other things—dishwashing. Especially I can empathize with them being in the grasp of the big economic giant that comes in and steals the resources. They come in and monopolize hundreds of thousands of acres of timberland. They come in and force the people to work or practically starve, because there's nothing else going on up here. It disturbs me a lot that if we are successful in saving the grove, it will put people out of work. But if Maxxam is allowed to go on, then these people will be out

⁷⁹ Crawdad Nelson, September 1987, op. cit.

⁸⁰ "Tree Climber Dan Collings: His Story", interviewed by Crawdad Nelson, *New Settler Interview*, Issue #26, 1987.

⁸¹ King, Mabon / September 23, 1987, op. cit.

⁸² Crawdad Nelson, Issue #26, 1987, op. cit.

⁸³ Crawdad Nelson, September 1987, op. cit.

⁸⁴ Bosk, November 1987, op. cit.

⁸⁵ Bosk, November 1987, op. cit.

⁸⁶ Crawdad Nelson, September 1987, op. cit.

of work in five to eight years anyway...Why not do something now to save the forest, and to save most of the jobs? Why not go into a sustained yield second-growth cycle?...I think the PALCO employees should right now go out on strike. Shut down the mill, tell Hurwitz and his gang of thugs, 'We're taking over.' Say, 'We want some guarantees, we want sustained yield.'

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For his part, Climber Dan Collings was not willing to go on strike, though he admitted that this had more to do with his lack of conviction to buck the system, and his belief that he didn't think he could make a difference, so he just did his job. Collings agreed that "nobody was a big Hurwitz fan" out in the woods, but having been deeply steeped in the "free enterprise" rhetoric of American capitalism, like most workers, he quickly argued that "Hurwitz could do what he wished with his property." Collings also offered that, although Pacific Lumber had always taken good care of its employees, since Maxxam had taken over he was earning more money and receiving greater benefits than he'd ever done previously. Still he knew full well that Maxxam had stated that they could only guarantee these benefits for three years. He also questioned Maxxam's debt servicing strategy—and that this opened Hurwitz up to pressure from environmentalists. He agreed that a slower rate of cutting was more desirable than Hurwitz's current cut-and-run clearcutting, which he conceded was unsustainable. Collings desired to retire logging, and wanted to see at least some of Pacific Lumber's old growth preserved. Apparently beneath the veneer of being the good soldier, Collings was capable of independent thought, and his deductions logically led him to question some of the very convictions he claimed to uphold.⁸⁸ As a result, the sitters developed concern for Collings and his fellow workers, noting that Maxxam was literally stealing their life's blood slowly.⁸⁹

* * * * *

Meanwhile, Darryl Cherney was by no means idle. He invited Charles Hurwitz to debate him publicly in an open letter to the Maxxam CEO, published in the *Country Activist* (which was then mailed to Hurwitz). Hurwitz didn't respond, though shortly afterwards, a

copy of that issue of the *Activist* was found returned to the editors torn in half.⁹⁰ When he wasn't contacting every media outlet on the west coast between the Canadian border and Mexico alerting them about the tree sit, he was doing what he could to organize concerned citizens to wrestle the CDF into accountability. Hoping to further expose the agency's apparently callous disregard for the spirit of the law, he organized a "mill in" at the Fortuna office of the CDF for the August 31.⁹¹

On that day, fifty demonstrators assembled and demanded copies of hundreds of THPs, ostensibly attempting to "clog the system" and demonstrate that the CDF was not seriously prepared to deal with the public should they actually exercise their rights under the letter and spirit of *Z'berg Nejedly*.⁹² In fact, the actual goal of the protest was to publicize the deficiencies exposed by EPIC in June and gather additional information that could be used to build a legal case against the agency. The CDF moved hastily to counteract the attempted populist uprising however, and "made special accommodations that (were) not normally available," according to Cherney. They placed a table outside the office at the front door and locked all other entrances, not allowing the public to enter the building. A representative staffed the table while a pair of clerks did their best to answer the requests from within.⁹³

Pacific Lumber's official stance on the tree sit and the mill in, at least initially, was to begrudgingly ride them out. David Galitz announced that logging crews would continue to cut around the tree sitters, logging about 10 to 20 trees per day, and would continue to do so until the pair descended. Rather than show any weakness however, Galitz also proclaimed, "We're going to press charges. That I can assure you."⁹⁴ John Campbell was no less direct, declaring that the tree sits had removed any chance that the company would withdraw its civil suits against the 13 arrestees from May 17-18 and the 100 or so "John

⁹⁰ "Lost a Bet", by Darryl Cherney, *Country Activist*, September 1987. (The bet was with editor Ruthanne Cecil, but the circumstances of that bet were not described. Cecil and her coeditor, Bob Martel were good friends with Cherney also, and longtime labor and environmental activists).

⁹¹ "Rubber Stamp War", by Darryl Cherney, *Country Activist*, December 1987.

⁹² "Mill-in Fails to Achieve Goal; Forestry Officials Keep Up With Earth First Request for Plans", by Marie Gravelle, *Eureka Times-Standard*, September 2, 1987.

⁹³ Gravelle, September 2, 1987, op. cit.

⁹⁴ "Protesters Take to the Trees", *Eureka Times-Standard*, September 3, 1987.

⁸⁷ Crawdad Nelson, September 1987, op. cit.

⁸⁸ Crawdad Nelson, Issue #26, 1987, op. cit.

⁸⁹ Bosk, November 1987, op. cit.

Does.” “We were considering giving them some relief next week, but they have continued the same activity, and we definitely plan to prosecute now...we’ll consider their safety, but we’ll continue to cut,” declared the frustrated executive.⁹⁵

Greg King responded that he expected to be charged for his and Cope’s actions, but that Maxxam was “breaking laws left and right by cutting its old growth,” and would use that argument in his defense. Earth First!ers established another, simultaneous tree sit on September 3rd, complete with a banner which read “PACIFIC LUMBER STOP THE PLUNDER: Earth First!”. This tree-sit was mainly for show however, because it took place on public land just outside of Scotia, where they would be visible by the townsfolk (as well as John Campbell), and it lasted until the late afternoon, before the sitters voluntarily stood down.⁹⁶

* * * * *



At the same time, the debate over who was breaking what law was currently being deliberated nearby in Eureka. EPIC and the CDF squared off in court over the next few days over the agency’s questionable approval of P-L THPs 230, 240, and 241, with Frank Petersen again presiding. Jay Moller again represented EPIC, but he wasn’t alone. EPIC’s other attorney, Thomas Lippe had once served as one of the many “consiglieres” of Corporate Timber, but he had switched sides and was now on the side of the environmentalists. “Our general desire is show the information vacuum CDF is operating with,” argued Lippe on September 2, the first day of the trial. He charged the CDF with failure to assess the cumulative impacts of logging on wildlife in the contested forest stands affected by the THPs. Local CDF resource manager Len Theiss disputed Lippe’s charges and declared that the three plans, “showed no significant habitat loss.” Jared Carter responded arguing, “The question of

whether Theiss is right or wrong in making his decision is not at issue in the case...There are two issues: whether CDF followed California environmental laws, and whether final approval of the plans can be supported by evidence already in the CDF reports.”

The judge agreed, and denied EPIC the chance to call expert witnesses on wildlife and soil characteristics to demonstrate the wrongness of the CDF’s decisions, declaring quite candidly, “I’m not going to open a Pandora’s Box,” which actually spoke volumes about the open secret that the CDF’s defense rested upon very flimsy assertions.⁹⁷ EPIC responded by filing another lawsuit against P-L, CDF, and Maxxam, charging that they violated the Z’berg-Nejedly Forest Practices Act, the California Environmental Quality Act (CEQA), the Federal Porter-Cologne Water Quality Act, the State Bagley-Keene Open Meeting Act, and the Due Process and Equal Protection clauses of the California and US Constitutions. The lawsuit against the CDF was the fourth such action against the agency’s THP process, which EPIC maintained was a “rubber stamp” for Corporate Timber and a violation of the spirit of Z’berg-Nejedly.⁹⁸

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By the evening of the fifth day of King’s and Cope’s still existing tree sit, Pacific Lumber assigned a permanent security detail to watch over the trees and the loggers’ equipment.⁹⁹ On the sixth day (September 2), the workers (under orders from Maxxam) made a huge showing of force. A dozen P-L employees emerged from the underbrush, coming from six different directions. “We’re going to cut those trees down right now; they’ll be in the mill in Scotia by tomorrow,” they shouted, but proceeded to cut all of the trees and shrubs adjacent to the perched trees instead, isolating the sitters. They then cut a skid road right up to the tree next to King’s using a D-8 Caterpillar. This was followed by threats and bluster from Carl Anderson, but all of this was merely an attempt at intimidation, designed to gauge the willingness of King and Cope to stick it out. The sitters wouldn’t budge, though at one point King contacted the Sheriff’s department, who responded with the question,

⁹⁵ “Protesters Remain Perched in Trees”, by Marie Gravelle, *Eureka Times-Standard*, September 4, 1987.

⁹⁶ Gravelle, September 4, 1987, op. cit.

⁹⁷ “Foresters Defend PL harvest Plans: Group Brings Issue to Trial”, by Marie Gravelle, *Eureka Times-Standard*, September 3, 1987.

⁹⁸ King, Lughnasadh / August 1, 1987, op. cit.

⁹⁹ King, Mabon / September 23, 1987, op. cit.

“so, why did you call me?”¹⁰⁰ After they concluded that P-L was posturing, King and Cope serenaded the loggers during their lunch breaks with Earth First! songs on this and the next day.¹⁰¹

Ultimately, Carl Anderson and his team found a weakness they *could* exploit, and that was Greg King’s aversion to bright light and industrial noise, which they used to great effect, stationing floodlights and a loud generator at the base of the occupied trees. In due time, King was eager to escape, and his decision to descend from his tree was strengthened by the timely arrival of two Earth First! ground support volunteers, Duff and Soul. At this point, King and Cope prepared for a descent and began packing, but dropping down is not much less complicated or risky than an ascent, and Greg King would soon experience the very real dangers inherent in the tactic of tree sitting. In a hurry to leave, and rattled by the invasive light and sound below, King rushed his preparation and rigged his equipment incorrectly. Holding fast to his climbing rope, but unable to fit his backpack adorned body through the small opening between a guy rope holding up his platform and the tree itself, King cut the latter. His platform lurched precariously downward, the water jugs plunged to the forest floor 130 feet below, and King went careening downward, unable to achieve a smooth, clean descent. His beard became caught in between his rope and climbing gear. He was somehow able to regain partial composure, by moving his climbing rope to various locations around his body, until he found a workable solution through a lightning fast spate of trial and error. He ultimately landed on his back on the soft forest floor, his still open knife hanging inches from his neck. His escape had been narrow indeed in every aspect.¹⁰²

By contrast, escape for Jane Cope was surprisingly easy. She took advantage of the noise of the generator and the shadows cast by the bright flood lamps to mask her descent, which she achieved by climbing down the backside of her tree, rappelling down in the shadows.¹⁰³ At this point, they heard footsteps. “It’s Soul” said a voice from the shadows, and he proceeded to carry King’s provisions allowing the addled tree sitter to regain his “land legs” after a week of having navigated a tree platform. The four forded the river on the edge of All Species Grove and began the eight mile journey to the nearest paved

road. Two miles into their return, they encountered two more ground support volunteers and together, the six Earth Firstlers returned safely, free, and (more or less) all in one piece.¹⁰⁴

Still, one loose end remained to be addressed, and that was recovering a role of undeveloped film that Greg King had stashed in the limbs of an oak tree a mile deep within Maxxam property on their return. King had done this in the event that if the six returning Earth Firstlers were caught upon exit, the film might be confiscated. The next night, accompanied by Mokai and Crawdad Nelson, King retrieved the film, which contained photonegatives of pictures depicting the tree sits in vivid detail to be used for publicity to raise awareness about the slaughter of the old growth.¹⁰⁵ King felt the action was worthwhile, if only because he and Cope had built a dialog with approximately a dozen P-L loggers.¹⁰⁶ King would later claim that he never felt unsafe in either his actions or his dealings with his adversaries.¹⁰⁷

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Back in Petersen’s court, it turned out that the Judge didn’t have to make the difficult decision to open the Pandora’s Box, because the CDF opened it themselves. Petersen *had* allowed Lippe to cross examine witnesses for the defense, at least, and this proved to be sufficient to support EPIC’s contentions. In front of a crowded courtroom divided between environmentalists, including Darryl Cherney, and Pacific Lumber management and its enablers, including John Campbell, California Department of Fish and Game (DF&G) Biologist John Hummel admitted that he had not assessed the cumulative impacts of the proposed THPs on wildlife (in clear violation of CEQA). Then Hummel dropped the biggest bombshell of all. Under oath, he testified that had made his assessments favorable to Corporate Timber—knowing full well that this was detrimental to the environment—because he had been coerced into doing so by the CDF.¹⁰⁸ Hummel elaborated:

“There is no question that there are specific species which are dependent on old growth

¹⁰⁰ Crawdad Nelson, September 1987, op. cit.

¹⁰¹ King, Mabon / September 23, 1987, op. cit.

¹⁰² King, Mabon / September 23, 1987, op. cit.

¹⁰³ Bosk, November 1987, op. cit.

¹⁰⁴ King, Mabon / September 23, 1987, op. cit.

¹⁰⁵ Crawdad Nelson, September 1987, op. cit.

¹⁰⁶ Crawdad Nelson, September 1987, op. cit.

¹⁰⁷ “Pair Abandons Tree-Top-Stand,” by Marie Gravelle, *Eureka Times-Standard*, September 9, 1987.

¹⁰⁸ “Tame the Savage Timber Beast”, by Bob Martel, *Country Activist*, September 1987.

timber stands, (including): insects, birds, amphibians, etc. If that habitat is taken away from them, you're going to lose all of the population of certain species. They don't have the ability to move from one site to another. This is an ecological concept which was understood many years ago."¹⁰⁹

Bill Winchester, a staff representative of the North Coast Regional Water Quality Board (RWQB) subsequently revealed that only one out of 30 THPs were even reviewed *at all* by his agency. It was their policy to ignore the other 29 out of 30 due to a lack of staff, and in no case did they ever consider cumulative impact. A third witness, a CDF forester, admitted that he had never even seen a picture of a Spotted Owl until recently, (and that was in P-L's office!), though he was charged with assessing the impacts of logging on their habitat, and had done so on over 400 THPs.¹¹⁰

All three employees testified that they found their superiors unreceptive to their comments on wildlife concerns in the process of reviewing THPs for approval. Jared Carter, cross examining Hummel asked why the latter hadn't revealed this information previously, thus implying that the DF&G representative's testimony was politically motivated by affinity for the environmentalists' cause. Hummel disputed this by revealing that in the previous five years he had declined to register critical comments about proposed THPs because he believed it would be a waste of time, since such comments would be "chucked into the wastebasket."¹¹¹ Bill Winchester declared that Board of Forestry member Carlton Yee once attempted to have him removed from his position because he had expressed concerns about cumulative impacts.¹¹² He did say that the atmosphere had become less intimidating in recent years—a clear indication that constant pressure from an increasingly environmentally concerned public was having a positive effect.¹¹³ Attorney Thomas Lippe then argued that the testimony of the two represented evidence that there were severe deficiencies in the THP review process, and therefore THPs 230, 240, and 241 were invalid.¹¹⁴

¹⁰⁹ King, Lughnasadh / August 1, 1987, op. cit.

¹¹⁰ "PL Cuts Trees, CDF Cuts Dissent", by Mark Kuhn, *EcoNews*, October 1987.

¹¹¹ Gravelle, September 4, 1987, op. cit.

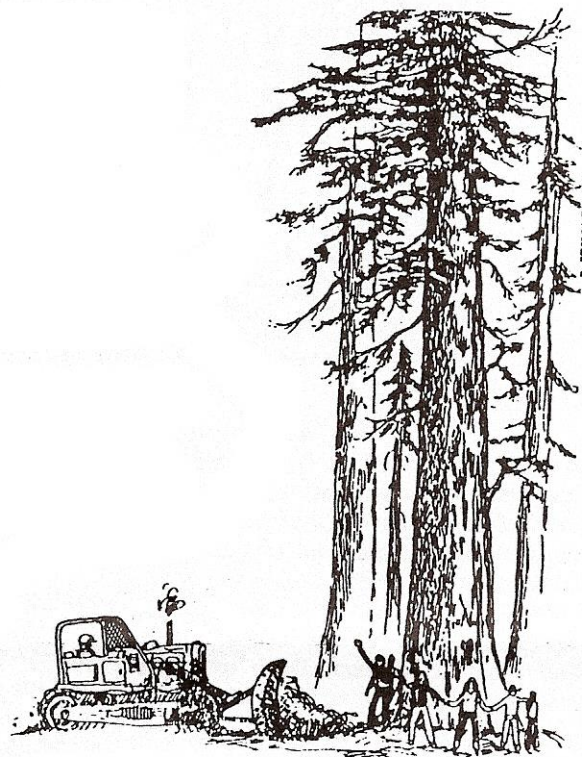
¹¹² Martel, September 1987, op. cit.

¹¹³ Gravelle, September 4, 1987, op. cit.

¹¹⁴ "Decision on Timber Harvest Lawsuit in Hands of Judge", by Marie Gravelle, *Eureka Times-Standard*, September 11, 1987.

The spokespeople for the State of California and Maxxam refused to budge in their insistence that EPIC was wrong. In his closing arguments, Jared Carter declared that the advocacy group was asking for much more than the law required and that they merely wanted to be a "thorn in the side" of legitimate timber harvesting activity. If EPIC got what they wanted it would significantly slow down P-L's harvesting rates. Deputy Attorney General Klafter echoed these sentiments arguing that the CDF "simply (didn't) have the funds...(to conduct) any five-year studies (on wildlife species)...and I don't think it's required in the law." In response Lippe's arguments, he stated, "I'm not going to claim that the picture painted here shows a well oiled machine." Of course, this was a matter of perspective. The environmentalists had been arguing for years that that the CDF had been *too well* oiled a machine, at least in granting THPs. For the time being, however, it was up to Judge Petersen to make a ruling, and that was liable to take several months.¹¹⁵

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While that decision remained pending, a second group of environmentalists filed a separate lawsuit to oppose yet another Pacific Lumber THP. This time, Concerned Earth Scientist Researchers, a loose knit

¹¹⁵ Gravelle, September 11, 1987, op. cit.

organization of approximately 100 researchers, environmental activists and concerned citizens led by Judith Wait, moved to prevent logging of old growth redwoods in All Species Grove.¹¹⁶ This group was charging that the plan failed to consider alternative logging methods to P-L's clearcutting. "The land subject to this THP will suffer immediate, irreparable, and permanent damage," charged the plaintiffs. In response, David Galitz denounced the suit as "more of the same garbage," and added, "it makes you wonder if their true purpose is in stopping timber harvesting."¹¹⁷ However, his protestations were ironic given the fact that they came less than a month after Pacific Lumber announced that, for the first time since Maxxam had assumed control, it had realized a profit, posting quarterly earnings of \$2.25 million for the second quarter of 1987.¹¹⁸

On the other side of the legal ledger, all nine protesters charged by the Humboldt County District Attorney Terry Farmer rejected a pretrial agreement offered by the DA's office on September 8. The proposed deal required that the nine plead "guilty" to the charge of trespassing in exchange for one year's probation and 40 to 80 hours of community service. The defendants all agreed that they were not guilty under the law and that they were acting to prevent a greater crime. Each defendant had their case transferred to a separate public defender. Attorney Kim La Valley, representing Tierra Piaiz pointed out that Humboldt County would have a very difficult time prosecuting the protesters, due to each having retained their own counsel as well as the hours of time spent engaged in a trial that was likely to last several weeks or even months. The D.A., whose reputation for being highly sympathetic to the aims of Corporate Timber had already been established, ruefully conceded the truth of this assertion. "They seem to want to utilize the proceedings to make a political statement, but in doing so they must obey the law... (my department) will not give in to economic blackmail."¹¹⁹

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¹¹⁶ "PL: More Foes in Sight", *EcoNews*, October 1987. This publication described the THP as 385 acres in the headwaters of Elk River.

¹¹⁷ Second Group Files PL Lawsuit: Court Asked to Halt Logging on 400 Acres Near Fortuna", by Marie Gravelle, *Eureka Times-Standard*, October 10, 1987. This publication described the THP as 237 acres northeast of Fortuna at Shaw Creek, near Headwaters Forest.

¹¹⁸ "Pacific Lumber Posts Profit: Gains Attributed to Bigger Harvest, Lower Interest Rates", by Zillie Baker, *Eureka Times-Standard*, September 5, 1987.

¹¹⁹ "PL Protesters Reject 'Deal': DA Offered Probation for Guilty Pleas", by Marie Gravelle, *Eureka Times-Standard*, September 9, 1987.

At the end of the month, King and Cope began yet another tree sit, this time targeting THP 87-323 and lasting five days.¹²⁰ In an attempt to give this action a "hook" that would attract further interest from the Corporate Media, Darryl Cherney had nicknamed the pair "Tarzan" and "Jane"—in spite of King's objections. The press, including especially the widely read *Los Angeles Times*, loved the idea, however.¹²¹ The pair of sitters suspended a 40-foot banner between their two trees. The loggers found them after two days, and set up a basecamp after failing to convince the sitters to leave. They were determined not to let King and Cope escape this time, but again, the sitters and P-L employees developed further respect for each other. On the fifth morning, Greg "Tarzan" King and "Jane" Cope surrendered to the Sheriffs and prepared to face civil action and charges for their civil disobedience.¹²²

While all of this was taking place, Bill Bertain and Woody Murphy continued their difficult, and quite often seemingly lonely crusade to expose the insider trading between Maxxam and DBL. Unexpectedly, they discovered they had a great deal more allies than they had thought, when on October 5, hearings of the Oversight and Investigations subcommittee of the United States House Energy and Commerce committee, chaired by Michigan Democratic congressman John Dingell investigated the 1985 stock trading by Charles Hurwitz, Boyd Jeffries, Ivan Boesky, and others. A confidential memo released during the course of the hearings detailed the unusual trading of P-L stock leading up to Hurwitz's initial tender offer.¹²³ Bertain and Murphy both testified at the hearings for which both Campbell and Hurwitz himself had been subpoenaed and ordered to appear. Murphy—who was not especially skilled at what amounted largely to political theater—lived up to his nickname in an unfortunate fashion giving an uninspiring and stammering account of his role in the fight, but his comrade and childhood friend was able to compensate by giving a damning indictment of what amounted to perhaps the greatest heist seen in

¹²⁰ "PL Tree Sitters Return to Perch", *Eureka Times-Standard*, September 29, 1987.

¹²¹ Harris, op. cit., page 195.

¹²² "Tarzan and Jane Swing Through the Redwoods Again", by Mokai, *Earth First! Journal*, Samhain / November 1987.

¹²³ "Stock Probe, New Suit Hit Maxxam", by Andy Alm, *EcoNews*, November 1987.

Humboldt County since the days of the California Redwood Company.¹²⁴

In spite of their best efforts, however, neither Murphy and Bertain nor Dingell and his subcommittee were able to beat Hurwitz. The Maxxam CEO was thoroughly experienced in such matters and well prepared to withstand the scrutiny. When asked about his connections to DBL, Michael Milken, Ivan Boesky, Fred Carr, Boyd Jefferies, and all of the other links to the merger, Hurwitz simply denied everything or answered with non answers, knowing exactly what to say in order to avoid implicating himself. For example, when questioned by a congressman, “How did Boyd Jefferies know to purchase Pacific Lumber Stock beginning on August 5, 1987, weeks before Maxxam bought its Pacific Lumber holdings unless somebody associated with the Maxxam takeover effort tipped him?”, Hurwitz replied simply, “I told him.” Hurwitz had no answer to why Jefferies had sold his share in the company’s stock at \$4 less than the market value. There were no records of any other charitable trades of PL stock following the transaction.¹²⁵ This was all but an admission of guilt, and both Dingell and fellow Congressman Ron Wyden concluded that it was highly unlikely that this agreement represented anything but illegal collusion and stock parking.¹²⁶ Maxxam’s annual report to the SEC also suggested that in order to meet their ongoing debt obligations, even further sales of P-L assets and increased logging might be implemented.¹²⁷ Yet, such evidence was simply not enough to conclusively prove a conspiracy of insider trading—within the narrow confines of capitalist stock trading laws at least—especially given the lack of willingness by Dingell’s and Wyden’s fellow Democrats, most notably Doug Bosco, to stand against Hurwitz.¹²⁸

Indeed, Bosco’s conduct throughout the entire affair had been inexcusable as far as all of the opponents of Maxxam were concerned. Bertain had made this known at the subcommittee hearings to the point that one of the congressman’s aides felt compelled to go out of his way to admonish the lawyer to back off. The latter had intercepted the attorney (who

in turn had been attempting to birddog Hurwitz following the hearing) and informed him that Bosco was distressed by the negative comments the attorney had been making during the hearing. The lawyer exploded in response, “You *bet* I got on his case! If assholes like your boss had stuck to their guns, and not allowed the fox to guard the henhouse, none of us would have had to be here today!”¹²⁹ King and Cherney had a somewhat more pragmatic answer for dealing with political flip-flopping and pledged to send Earth First!, their monkeywrenches, and Darryl Cherney’s guitar to Sacramento and Washington, by challenging Dan Hauser and Doug Bosco in the next year’s election.¹³⁰ In the meantime, all concerned would have to console themselves with the knowledge that while one battle or two had been lost, the war was still very much theirs to win.

Hurwitz may have gotten away clean in Washington, but neither he nor the CDF did so in Humboldt County. After six months of legal jousting between EPIC and Maxxam, Judge Petersen finally issued a stunning decision and opened up far more than a can of worms. Ruling on the technical aspects of the fight over THPs 230, 240, and 241, he declared, “It appears that the CDF rubber-stamped the timber harvest plans as presented to them by Pacific Lumber Company and their foresters. It is to be noted, in their eagerness to approve (240 and 241), they approved them before they were completed.” He accused the CDF of “rubber stamping” THPs and that they “brushed aside” considerations of cumulative impacts required in EPIC vs. Johnson. He further declared, “In this case it is apparent that CDF...does not want Fish and Game or Water Quality to cause any problems or raise any issues which would deter their approval of any timber harvest plan.” This ruling in EPIC vs. Maxxam I was no less stunning than EPIC vs. Johnson, and at least one North Coast commentator explained, “That a timber county judge could write such a scathing opinion of Maxxam’s timber harvest practices indicates such practices are probably ten times more shocking than revealed.”¹³¹

The reaction to Peterson’s ruling on EPIC vs. Maxxam I was mixed. CDF spokesman Harold Slack declared, “in all likelihood, we will not appeal,” further elaborating that though the agency disagreed with

¹²⁴ Harris, op. cit., page 202.

¹²⁵ “The Kozmetsky-Hurwitz Connection: A Tale of Corporate Raiders in Capitalist America”, by Scott Henson and Tom Phillpott, *Polemicist*, May 1990, pages 8-9.

¹²⁶ “Ravaging the Redwood: Charles Hurwitz, Michael Milken, and the Costs of Greed”, by Ned Daly, *Multinational Monitor*, September 1994.

¹²⁷ “Stock Probe, New Suit Hit Maxxam”, by Andy Alm, *EcoNews*, November 1987.

¹²⁸ Harris, op. cit., pages 204-207.

¹²⁹ Harris, op. cit., pages 207-208.

¹³⁰ “Earth First! Runs for Office”, by Darryl Cherney and Greg King, *Country Activist*, December 1987 and *Mendocino Commentary*, December 17, 1987

¹³¹ “EPIC Wins: Judge Blasts Rubber-Stamping, Halts P-L Logging”, by Andy Alm, *EcoNews*, December 1987.

the judge's opinion, that changes in the THP process were inevitable in any case. Earth First!ers hailed the decision and considered it vindication of their criticisms of both Maxxam and the CDF. Among the environmentalists, only Woods seemed disappointed declaring, "He's taken the real blatant issues and ruled on them and left the rest," although EPIC attorney Jay Moller agreed that the judge had done, "a very good job with the issues he did deal with. It is the first court I know of that essentially said CDF's process is not working and is not in compliance with the law." For the moment, by contrast, Corporate Timber was stunned, and other than David Galitz who indicated that P-L was waiting for Jared Carter's analysis of the ruling, had no comment. It was inevitable in most people's minds, however, that there would soon be a backlash.¹³²

As it turned out, there was indeed a backlash, but it seemed to be coming from the P-L workers towards the company's management. Greg King reported hearing unverified reports of monkeywrenching against Maxxam (that were not covered by the Corporate Media), including the stuffing of epoxy into padlock keyholes on gates across logging roads, damage to machinery in the forests and the mills, and purposeful work slowdowns by the mill workers. It was believed that these actions resulted from workers' discontent at forced overtime imposed by Maxxam, a 25 percent rent increase for housing in Scotia, and rumors of a potential loss of their \$60 million pension fund.¹³³ At least *one* anonymous Pacific Lumber millworker even hinted that EPIC and the Earth First!ers were mostly on target, no doubt echoing the sentiment of many others, declaring:

"It's a damn shame what's happening to the old growth and to this company. We all know that. The faster we harvest and the harder we work, the sooner we will be out of jobs. Aren't we entitled to answers to some questions? For example:

"What's going to happen to Mill B and the factory after all the old growth is harvested? Will Mill B be replaced at all with a second growth mill? Or will Mill A and the Fortuna Mill be used to reach what Mr. Hurwitz and John Campbell have said would be the 135 mil-

lion board feet volume representing the 1985 level of production? If Mill B is no longer operating, how many of us will be working? If it is replaced by a second growth mill, will the mill be a high-speed, fully automated, state-of-the-art mill like Simpson's Korbel plant or even with the technology similar to that in use at the Fortuna mill? How many jobs will there be?

"Whatever happened to those annual meetings with the employees we were told we might have? Wouldn't such meetings give us an opportunity to ask some questions and get some answers? Or was there a meeting and I wasn't told? Why not open the old Winema Theater and have employee-management discussions?

"We are soon going into the third and last year of our guaranteed wages and benefits. Apparently these guarantees will end on October 22nd, 1988. Sure, we're only employees of Maxxam / MCO, but most of us used to be part owners of a fine company known as the Pacific Lumber Company. Can't we get a hint of what our future will be come October 23, 1988? Or are we to be treated like lambs led to the slaughter?

"Why haven't we had a cost of living increase for over two years?

"We all hear the word coming back from the fellows in the woods that at the rate they're cutting out there, the old growth won't last ten years. If so, what then? And what percentage of the production in the factory comes from old growth? Is it true that the new boilers can probably pay for themselves and generate money for Hurwitz even without Mill B?

"With Louisiana-Pacific, Simpson, and Arcata Redwood likely to get their \$500 million or so from the government for the 1976 National Park expansion, what are the chances that Maxxam will not only sell the logs to these companies, but also chunks of Pacific Lumber's timberlands? Is that why former LP-Carlotta employees say that LP will own the Carlotta mill again within 4 to 5 years? Will Maxxam be tempted to sell off our future to other timber companies who will soon be flush with the park expansion money? That will sure change our picture, and our children's future.

"What happens if the Securities and Exchange Commission (SEC) finds out Hurwitz had over 5% of the stock prior to the old Board

¹³² "EPIC Wins: Judge Blasts Rubber-Stamping, Halts P-L Logging", by Andy Alm, *EcoNews*, December 1987.

¹³³ King, Lughnasadh / August 1, 1987, op. cit.

selling us down the river? Do we get the company back?

“I hate to say it, but maybe the three-huggers are right in telling us to fight this whole thing. I’d say my name, but under the circumstances, I’ll remain anonymous for now. I feel that all of us employees deserve an answer to these questions. I look forward to management setting a meeting date to have these questions answered.”¹³⁴

This letter was photocopied and distributed all over Scotia, Rio Dell, Fortuna, and Carlotta. John Campbell and his underlings did their best to contain the situation within the confines of Scotia. The P-L executive drafted a letter to all of the company’s employees dismissing the increased scrutiny as a conspiracy organized by radical fringe of “environmental extremists.” A good many employees, including especially those brought in after the sale bought this explanation with little question.¹³⁵

Still there were some who didn’t, including Kelly Bettiga. At a mandatory meeting of all P-L employees held just after the beginning of 1988, (in which Hurwitz was *not* present) Bettiga asked a number of questions of both Campbell and William Leone that called out Hurwitz for his inconsistencies and inaccuracies. Campbell again attempted to deflect the blame to Earth First! and the like, but Bettiga wasn’t buying it. Speaking from the floor, he pointed out that if P-L was in as good a shape as Campbell, Leone, and (by extension) Hurwitz were claiming, why had the system of automatic raises not been maintained? Before Campbell or Leone could answer, Bettiga noted that—in addition to Hurwitz’s “Golden Rule”, there was another, which was, “You get what you pay for.” The outspoken millworker wasn’t finished. He went on to warn all those assembled that the environmentalists were not just some lunatic fringe, but a very real force with which to be reckoned with a great deal of support, enough perhaps to dictate the future of Pacific Lumber. At this point Leone inquired if anyone else had a question. Nobody did.¹³⁶ There would not be another companywide meeting for two years.

¹³⁴ “An Anonymous Letter to All Maxxam / Pacific Lumber Employees and Friends” by an anonymous Pacific Lumber employee, September 1987.

¹³⁵ Harris, *op. cit.*, pages 209-217.

¹³⁶ Harris, *op. cit.*, pages 209-217.