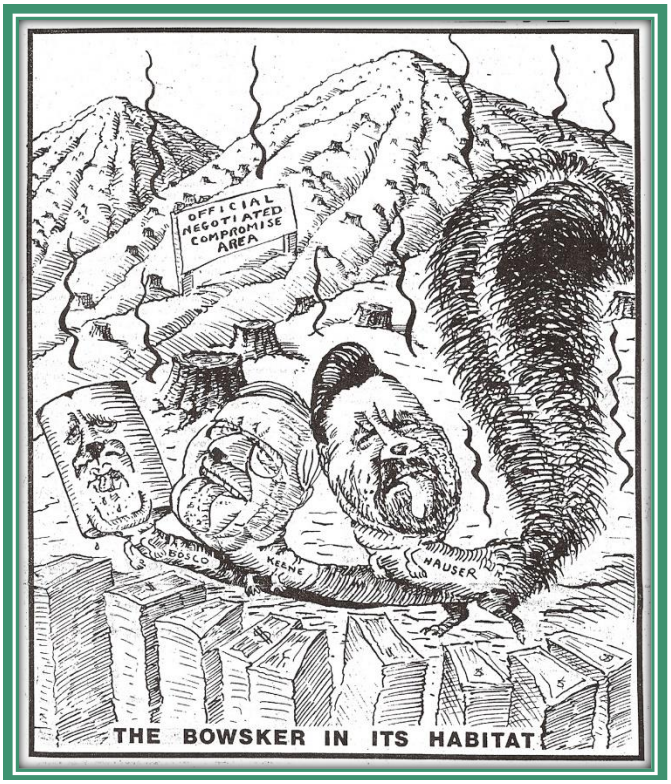
Chapter 30 : She Called for Redwood Summer.



Now Judi Bari is a feminist organizer,
Ain't no man gonna keep that woman down,
She defended the abortion clinic,
In fascist Ukiah town;
Calvary Baptist Church called for its masses,
Camo-buddies lined up in the pews,
You can see all of their faces,
In the Ukiah Daily News*;*
And they spewed out their hatred,
As Reverend Boyles laid out their scam,
Bill Staley called for violence,
It was no secret what they planned…

—lyrics excerpted from *Who Bombed Judi Bari?*, by Darryl Cherney, 1990

"Our managers know they have to perform. I like to say they have one testicle on deposit."

—T Marshall Hahn, from Glacial Erratic, Winter, 1990

The timber wars were escalating on the North Coast and far beyond as well. Echoing Maxxam's takeover of P-L, in early 1990, Georgia-Pacific seized Great Northern Nekoosa (GNN) in a hostile takeover making G-P the largest forest products corporation in the world at the time, with annual sales in excess of $14 billion, and the largest owner of timber acreage in the United States. G-P had also been charged with at least 114 violations of water quality laws, most of them concentrated in the years leading up to its takeover of GNN. The company was responsible for five major spills into the St Croix River in 1989 alone. The director of water pollution enforcement efforts for Maine's Department of Environmental Protection had said that the company had violated "just about every provision of its license at one time or another." G-P also imported over 150,000 tons of finished hardwoods from the endangered tropical rainforests. The company's labor practices were equally atrocious. In response, Earth First! and the Rainforest Action Network organized a nationwide boycott of G-P, following the pattern of a similar, successful boycott of Scott Paper Company in the Fall of 1989.[1] To service the debt from their takeover, they too would likely accelerate their harvests throughout their holdings. If Corporate Timber had hoped to quell dissent, they were sabotaging their own efforts due to their own hubris.

Meanwhile, in Humboldt County, Pacific Lumber was attempting, once again, to log in Headwaters Forest, and as before, they encountered yet another roadblock the week of January 7, 1990. The company had filed two THPs, 1-89-762 and 793 that proposed logging 564 acres in the *dead center* of the contested grove.[2] A report filed by Ken Moore, the assistant biologist for the California Department of Fish and Game office in Eureka, determined that there was insufficient data regarding the potential cumulative impact of potentially imperiled wildlife, including the marbled murrelet, in the proposed THPs. As a result, the CDF official responsible for determining the fate of the THPs in Santa Rosa, Len Theiss, instructed the company to file a written response by January 18, including any steps they planned to take to protect the affected wildlife or minimize the impact of logging on it.[3]

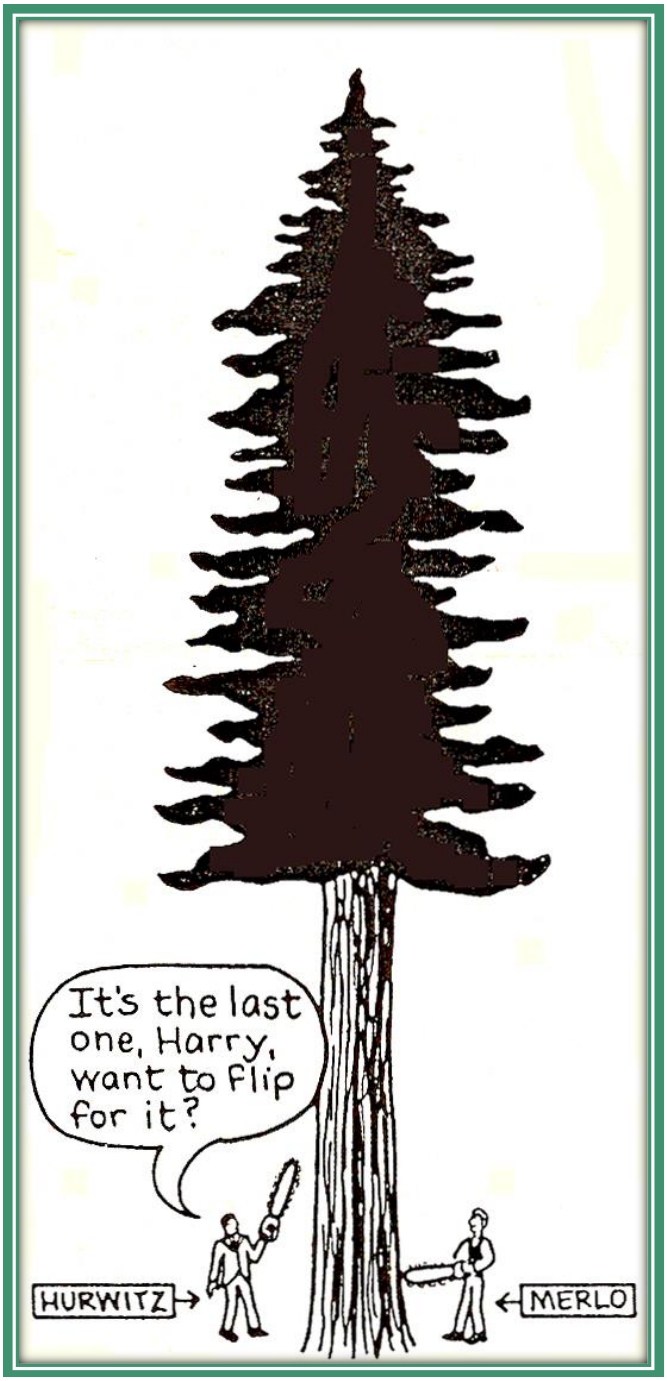


Image by Judi Bari

This was unprecedented, and having already faced several years of lawsuits and even a few rejected THPs, Pacific Lumber management, particularly John Campbell and Robert Stephens were quick to accuse the CDF of being politically motivated, and accused the DF&G of aiding radical environmentalists in an attempt at a "land grab" of Headwaters. "It certainly appears to us that Fish and Game is abusing their regulatory processes in order to appease Earth First! and their supporters," declared John Campbell. "Part of this package was a request for additional wildlife studies to be designed by a biologist in my employ.

[1] "Georgia-Pacific Seizes Great Northern", by Jamie Sayen, *Earth First Journal*, Eostar / March 20, 1990.

[2] "Will Congress Save Headwaters?", by Andy Alm, *EcoNews*, December 1989.

[3] "P-L Gets Two-Week Extension To Reply to Harvest Plan Snag", by David Forster, *Eureka Times-Standard*, January 18, 1990.

They requested these surveys knowing full well they would require up to a year to complete," added Robert Stephens in a letter to the CDF.[4]

Theiss—who, like Partain, was no Earth First!er—didn't take too kindly to being green-baited and steadfastly insisted that he was merely doing his job. He argued that the recommendation from Fish and Game were an unexpected, "shot out of the dark," that caught him and Joe Fassler, the chairman of the review team, by surprise.[5] However, he also declared, "My job is to chose the least damaging of any feasible alternatives, and that's what I intend to do." He even recommended to P-L, that in lieu of costly wildlife surveys of Headwaters Forest, they could instead harvest old growth trees from smaller, isolated stands, return to its pre-Maxxam harvest rates, or stop selling logs on the open market and instead mill them in Scotia. Theiss even reminded P-L that if he accepted the recommendations by the DF&G, the company could always appeal to the State Board of Forestry in Sacramento, which was politically quite favorable to Corporate Timber.[6] Instead, Pacific Lumber requested, and was granted, a two-week extension, at Theiss's suggestion, to respond to DF&G's recommendations.[7]

There were few who would dispute that the fight over Headwaters Forest was the most important, but by no means the only battle in the timber wars, and that its fate would ultimately determine the future of logging throughout the entire Pacific Northwest. Pacific Lumber denied this, of course. Robert Stephens opined that on a scale of one to ten, Headwaters rated a "four" in terms of old growth redwoods, neglecting to clarify if that was measured in biological diversity or dollar signs. Considering that the 288 acres Headwaters in the contested THPs could produce up to $38.5 million in lumber and $1 million in timber tax yield, Stephens likely meant the latter. Greg King, on the other hand countered that the contested groves were among the world's most important biological remains, and Robert Sutherland concurred, stating, "To say that Headwaters is not one of the very best stands is also misleading." A coalition of Congressional Representatives, the Sierra Club, the Natural Resources Defense Council, the Wilderness Society, and Save the Redwoods League seemed to agree and joined EPIC and Earth First! in organizing to oppose its cutting.[8]

Of course, a bigger battle centered around the three proposed environmental initiatives, *Big Green*, *Forests Forever*, and the *Timber Bond Act*. "No matter where people live, they consider the redwood forests their own and they're not going to stand for more logging of the last trees," declared Betty Ball. Indeed, the sense was among many on all sides of the struggle that at least *Forests Forever* had a good chance of winning, and that alone was enough to prompt the Timber Association of California, the chief state lobbying group for Corporate Timber, to follow John Campbell's suggestion and draft its own counter-initiative to undermine it.[9] That proposition would, if passed, not only counteract *Forests Forever* should the former receive more votes, it would loosen up the already lax enforcement existing under the status quo *even further*. As a result, California Attorney General Van de Kamp, a chief sponsor of a much more sweeping ballot initiative that was supported by many of the same interests as *Forests Forever*, *Big Green*, began referring to the TAC initiative as "*Big Stump*". All of this was intensified by the momentum building behind William Bertain's latest lawsuit against Maxxam. 100 former shareholders and several businesses including the San Francisco chapter of the Red Cross, Washington Mutual Savings Bank, Food Mart Eureka, and the Samuel Merritt Hospital Retirement Fund had signed on.[10]

* * * * *

The situation was growing increasingly volatile and the politicians that represented the timber dependent districts on the North Coast, Doug Bosco, Barry Keene, and Dan Hauser, were waxing increasingly concerned that both the public and Corporate Timber were seeing them as irrelevant, which did not serve them particularly well in an election year. Ostensibly seeking to promote "compromise", but more likely hoping to prevent both sides from making end runs around the political process their standard practice, the three began meeting with each other to devise a strategy to regain political control of the situation. "It's all grown much more complicated now that the rest of the state is involved," lamented a frazzled Barry Keene. His colleague, Dan Hauser elaborated,

[4] "Headwaters Trees in Eye of a Storm", by Mike Geniella, *Santa Rosa Press Democrat*, January 14, 1990.

[5] Forster, January 18, 1990, op. cit.

[6] Geniella, January 14, 1990, op. cit.

[7] Forster, January 18, 1990, op. cit.

[8] Geniella, January 14, 1990, op. cit.

[9] Geniella, January 14, 1990, op. cit.

[10] "Will Congress Save Headwaters?", by Andy Alm, *EcoNews*, December 1989.

"Very clearly these are issues of extreme concern to all of us. We're trying to work with all of the parties involved, get away from the rhetoric, and come up with some solutions. Perhaps by the end of the month we will all have something to talk about." Wise to their game, Betty Ball responded skeptically, saying, "My experience tells me they will throw you a crumb and then say everything is OK."[11]

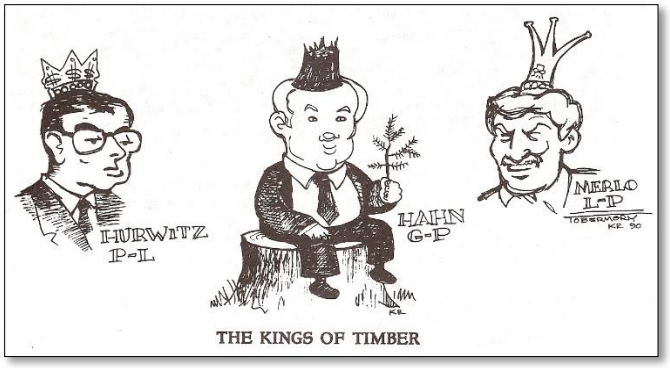


Image by Kay Rudin

A clear indication of the unlikelihood of a negotiated "compromise" between Corporate Timber and the increasingly conscious citizens of the North Coast was demonstrated within less than a month. Only four days after north coast labor unions and environmentalists rallied at Samoa, many of the forces on all sides of battle convened to discuss and debate the issue at the inaugural public forum of the William O. Douglas Society at Mendocino College. A panel of ten "experts" offered their opinions and prognosis to a crowd of nearly 300. Speaking more or less on behalf of corporate timber were panelists Congressman Doug Bosco, Jim Little of Harwood Forest Products, IWA Local 3-469 union representative Don Nelson, L-P spokesman Shep Tucker, and G-P forester Allen Overfield. They were balanced, somewhat, by Philo resident Kathy Bailey (no relation to Bill and Judith), who coauthored *Forests Forever*, Linda Bailey, a water-resources attorney, and Hans Burkhardt, a local environmentalist, with substantial knowledge of sustainable forestry issues whose efforts were credited with Mendocino County's formation of its Forest Advisory Committee (FAC). Mendocino County Supervisor James Eddie and John Teie of the CDF represented a more or less moderate to conservative "middle".[12]

Immediately there were rumblings that the panel was not representative of the people's interests. FAC chairman Wayne Miller, whom *Anderson Valley Advertiser* editor Bruce Anderson referred to as "the local (timber) industry's ideological cop", moderated the panel, assisted by Mendocino County Agriculture Office representative Pete Passof. According to Anderson, "At the slightest hint of irreverent or disrespectful comment directed at either L-P's Tucker or our irritable Congressman, Miller was quick to rule the questioner out of order." That Doug Bosco was even present at all was significant, because by this time he rarely made public appearances, no doubt due to his being much maligned for the political skeletons in his closet. Shep Tucker, by contrast, was familiar with the spotlight. Douglas Society member and Willits attorney, Montana Podva, served as a Master of Ceremonies and periodically intervened to rescue Miller when confronted by various speakers who challenged the pro corporate spokespeople on the panel. The panel had barely come to order before Judi Bari spoke from the floor, arguing that the panel was too heavily weighted in favor of corporate interests. Podva spoke in response declaring that he was a contributor to Earth First!, and that he agreed with the need to provide more balance. He offered to organize a follow-up forum that included Bari on the panel, and then held up his infant son and said, "I want a forest for him to enjoy, when he grows up." For the moment, Bari was appeased.[13]

In spite of the perceived lack of balance, the discussion waxed quite lively and most of the audience, other than a handful of uncritical apologists for Corporate Timber, seemed to appreciate a chance to finally put representatives of the powers that be on the spot. The first question of the evening was directed at Louisiana-Pacific and their recent charges of polluting the Russian River, to which Tucker responded, issuing the standard WECARE scripted, Corporate Timber talking points (much to most of the audience's discontent), "L-P is learning to protect water quality, but if the interference from environmentalists with private landholders continues, we will be forced to subdivide more and more of our land."[14] When confronted with questions about L-P's obvious attempt to outsource to Mexico, Tucker reiterated the official claim that the decision was based on the Baja California climate, but he admitted "labor costs are a key concern too," but then tried to justify that by add-

[11] Geniella, January 14, 1990, op. cit.

[12] "You Fine Haired Sons of B------", by Bruce Anderson, *Anderson Valley Advertiser*, January 31, 1990. The title of the article is a reference to Black Bart, who used the phrase to describe his enemies in law enforcement.

[13] Bruce Anderson, January 31, 1990, op. cit.

[14] Bruce Anderson, January 31, 1990, op. cit.

ing, "Mexico has labor unions and Mexico has environmental protection laws" as the audience groaned in response to what they took as a meaningless and empty gesture. "I know," Tucker then replied, "I'm about as popular with you people as the skipper of the (Exxon) Valdez," who had recently been the pilot of the ill-fated oil tanker that had caused one of the worst oil spills in Alaskan history. "Not quite *that* popular!" responded one member of the audience while much of the rest laughed approvingly.[15]

It was readily apparent that the Corporate Timber forces were heavily outnumbered, and unable to stranglehold the message. Congressman Bosco stepped in to defend L-P, specifically the corporation's relocation of its milling operations to Mexico, suggesting that competition from Canadian timber firms was pressuring American companies to over cut and exploit Mexican labor, citing the *New York Times*' use of Canadian paper as evidence. Mike Keopf challenged Bosco to explain why L-P couldn't have relocated to the southeastern California desert instead, for which the latter had no response. Walter Smith rebutted the congressman by pointing out that G-P and L-P had been liquidating their forests by over cutting them long before Canadian competition was a significant factor. Supervisor Eddie declared that L-P's outsourcing was unfair, because (in these days before NAFTA), "American trucks (couldn't) even go into Mexico." David Drell asked why the USFS allowed L-P to continue to use 2,4-D on federal lands. If there was any lingering doubt that Congressman Bosco didn't have his finger on the pulse of the crowd, he removed it by declaring that the chemical was only used far away from population centers and water courses.[16]

Bosco was no less willing to carry the water for Maxxam. Mike Koepf asked Bosco to jog his memory to the 1986 Democratic Congressional Primary (when Keopf was one of his challengers) and recall one of his own specific campaign promises, to introduce restrictive legislation against Pacific Lumber if the company undermined its viability through over cutting, which it certainly had been doing for four years now. The Congressman conceded that all three of the North Coast's big timber corporations were engaged in dangerously accelerated timber harvests, but he backtracked by placing the blame for Maxxam's takeover on the previous owners who had not only underestimated the value of their holdings, but had opened themselves up to the takeover by listing themselves as a public corporation. Jim Eddie again challenged Bosco, countering, "There is a big problem identifying stockholders in these days of junk bonds. It's impossible to tell who's in charge." The congressman then desperately tried to defend the accused Wall Street speculator by channeling John Campbell and Harry Pritchard (neither of whom were present), describing Maxxam's tripling of its harvesting since 1986 as a positive development, because more people were working at Pacific Lumber than ever before. The audience groaned further; Bosco was clearly losing any shred of support he may have had at the start of the forum.[17]

Rather than face further scrutiny, following an intermission, Doug Bosco announced that he had to depart for Washington, though he stayed long enough to dispatch one of his aides to collect campaign contributions from some of the more wealthy Democratic Party donors in the audience. Making good on his word, Podva appointed Judi Bari to take his place on the panel. At which point, Jim Little of Harwood's revealed to the audience that the latter had been in negotiations with Earth First! for several months to try and achieve some semblance of common ground, after The Lorax controversy. The effects of these talks could be evidenced by his drawing very sharp distinctions between small time operators and the big corporations and then his surprising everyone—perhaps himself included—by stating, "Maybe under capitalism the forests can't be preserved…maybe we need to find some other method, some solution." Realizing that he had inadvertently thrown aside the Redwood Curtain, Little hastily added, "I am a capitalist and I'm opposed to public ownership…" Little was probably not as capitalistic as he was claiming however, and was likely backtracking to avoid being lumped in with the "unwashed-out-of-town-jobless-hippies-on-drugs" by the likes of Shep Tucker and John Campbell.[18]

"Maybe the solution you're looking for is *employee* ownership," interjected Judi Bari, attempting to rescue Little and drawing the distinction between the world envisioned by state socialists and the IWW.[19] The audience was suddenly very alert. Bari continued:

> "We're facing a desperate situation in this County. We're controlled by the giant corpora-

[15] Bruce Anderson, January 31, 1990, op. cit.

[16] Bruce Anderson, January 31, 1990, op. cit.

[17] Bruce Anderson, January 31, 1990, op. cit.

[18] Bruce Anderson, January 31, 1990, op. cit.

[19] Bruce Anderson, January 31, 1990, op. cit.

tions bent on destruction of the redwood ecosystem to feed the gluttony of a couple of millionaires, Merlo and Hurwitz. These people are corporate criminals whose attitudes toward the workers are as careless as their attitudes towards the forests and the rivers. L-P poisoned Ukiah's water for years, then only got a slap on the wrist. They killed Fortunado Reyes at their Ukiah mill when he was crushed by a load of lumber after being ridiculed for using the emergency stop to clear the line. And this guy, Shep Tucker…at the time of Fortunado's death said only 'Oh, well, it's dangerous to work in a mill.'"

"L-P was fined $1,200 for murder, which they appealed as being too high. What value does L-P put on a worker's life when $1,200 is too high? They're wiping out baby trees and killing workers. This isn't logging, it's liquidation. And these people don't care about jobs. They're using machines in the woods called feller-bunchers that replace woods workers. G-P clearcuts from Fort Bragg to Willits, making more money than they've ever made in history, then cut workers' pay 25%. G-P uses the millions they've ripped off from their workers to buy another conglomerate in a hostile takeover. They dump PCBs on their workers then lie about it. Bosco, G-P, and L-P are telling us to look at economic alternatives after they've wrecked this area!"[20]

Wayne Miller desperately tried to cut Bari off, but the latter wasn't about to yield:

"I've got only two more sentences, then I'm finished. Two hundred years ago the divine right of kings was widely recognized as an excuse to do pretty much whatever the kings wanted. Now it's the divine right of corporations. It's time for us to get past divine rights for anybody. Things have a right to exist for themselves and not for the profit of L-P and G-P."[21]

According to Bruce Anderson, the audience erupted into thunderous applause. The people had won the debate, but the war was still very much anyone's battle, and there were ominous tidings.

Thinking perhaps that it might somehow quiet the populist stirrings in the audience, Bosco had touted the upcoming "timber summit" being discussed between himself, Hauser, and Keene, just before he departed. Few in that audience were naïve enough to think that such a deal would be anything more than a sellout. As one cynical observer put it, "a 'reasonable' agreement (would entail) logging the Ukiah City park in exchange for a ten-minute moratorium on the accelerated cut in the Mendocino National Forest."[22] As it turned out, the results turned out to be far worse.

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Image by "M"

The lawmakers announced the details of their planned summit soon after the Douglas Society debate. It was to take place behind closed doors and involve only the three of them meeting privately with Charles Hurwitz and then a few days later with Harry Merlo. The topics to be covered included P-L's increased harvest and L-P's offshoring. Details of the meetings were to be secret and the public would not be allowed to attend. Barry Keene's press secretary Ed Matovcik explained the decision saying, "They hope they can resolve the problems that have arisen through negoti-

[20] Bruce Anderson, January 31, 1990, op. cit.

[21] Bruce Anderson, January 31, 1990, op. cit.

[22] Bruce Anderson, January 31, 1990, op. cit.

ations and not have people from outside the area resolve them." Few who held out hope for forestry reform saw any good coming out of such a meeting, however.

The three met with Hurwitz on Monday, January 28 in Sacramento. Doug Bosco described the meeting as "positive," elaborating, "We covered a number of subjects with Mr. Hurwitz. I think the public will be pleased." He did not reveal the details, however. P-L spokeswoman Mary Bulwinkel wouldn't either, except to state, "There was meaningful dialog and an exchange of ideas but no concrete decisions," and indicated that further discussions with Hurwitz might take place. The second meeting would be scheduled for a few days later involving Harry Merlo.[23]

While North Coast residents apprehensively awaited the conclusion and outcome on February 2, Charles Hurwitz was scheduled to deliver a lecture on "ethics", of all things, to a graduating class of MBA students at the University of Texas, in Austin. Two days before the speech, a sympathetic MBA student anonymously contacted Texas Earth First!ers who organized a protest at the event.[24] They met at a nearby eatery early that morning, then made their way to the auditorium. The first wave of ten Earth First!ers dressed in clothes closely matching the attire worn by the graduating students thus blending in with the crowd, until they began distributing leaflets describing Hurwitz's corporate raiding practices and the grievances against him. A second wave of more Earth First!ers, dressed in more typical activist attire then appeared, chanting "Redwoods, not deadwoods," "Axe Hurwitz!", and other similar slogans.[25]

The rally would soon grow tense. Although denied entrance to the auditorium, a group with a banner hung the latter on a pedestrian bridge over a busy street adjacent to the event's location. The two combined groups of fifty demonstrators then surrounded the building, stationing their people at each entrance hoping to catch Hurwitz as he exited. The corporate raider was escorted out of the building by three police officers, and quickly ushered into a red sports car which drove away. Several MBA students expressed their support for the demonstration, told the assembled Earth First!ers that Hurwitz had essentially said "greed is good", and informed the demonstrators that they had asked Hurwitz questions straight off of the Earth First! leaflets which he nervously evaded. Hurwitz had been visibly shaken by the demonstrators' presence.[26]

Hurwitz didn't have time to worry. He returned to California to meet with the lawmakers in Sacramento on February 5. As the lawmakers and the Maxxam CEO prepared to meet again, an group of activists all dressed as animals or elements, traveled to Sacramento and attempted to confront them. Assisted by a Sacramento Earth First!er dressed as "Water," who kept close tabs on Keene and watched for Hurwitz, the group was able to corner the Maxxam executive in the hallways of the Sacramento State Capitol. The reclusive Hurwitz looked very pale as he turned to find himself face to face with a demonstrator dressed as the Lorax, who informed the former that the reward for his arrest had been raised to $5,000. John Campbell quickly corralled Hurwitz into a nearby office and managed to shield him from any further contact with the Earth First! contingent.[27]

The latter moved on and attempted to schedule a meeting with Assemblyman Hauser, but his secretary informed the demonstrators, "he never wants to talk with you again; he knows how you feel and has nothing to say to you." Hauser punctuated this rejection by summoning the Capitol police and having the animal costumed activists escorted out. The police showed the demonstrators a memo written and circulated by Sacramento County Supervisor, Norm Waters, describing Earth First!ers as ecoterrorists with two attached articles suggesting that the latter might actually use body bombs to carry out violent acts. Barry Keene was at least approachable, and visitors to the Capitol would have been amused by the site of the State Senator holding council with twenty demonstrators dressed as animals. Keene promised to look into the matter, but ultimately went along with the other two officials in promoting the supposed "agreement."[28]

On February 8, 1990, the lawmakers finally announced—with great fanfare—that an "unprecedented nine-point pact" had been struck between them and the CEOs of the two big timber corpora-

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[23] "Timber Officials, Lawmakers Hold Summit Meetings", by Mark Rathjen, *Eureka Times-Standard*, Feb. 2, 1990.

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

[25] "Texas EF! Confronts Hurwitz", *Earth First! Journal*, Eostar / March 22, 1990.

[26] Ibid.

[27] "Hurwitz Flees from Detractors: Animals Lobby California Capitol", by Michelle Dulas, *Earth First! Journal*, Eostar / March 22, 1990.

[28] Dulas, March 22, 1990, op. cit.

tions.[29] Among the alleged agreements hammered out were (1) a conditional moratorium on logging activity inside Headwaters Forest; (2) an independent audit to ensure that the logs harvested by Maxxam did not exceed double the board footage harvested by the old Pacific Lumber Company prior to the takeover; (3) P-L would not clearcut its old growth forests; (4) Pacific Lumber agreed to not export any raw longs; (4) Louisiana Pacific would not ship any logs or chips to its new Mexican facility; and (6) L-P would not "overharvest" its holdings on the North Coast in order to supply the Mexico mill, would continue supplying wood to independent local lumber manufacturers, and would help expand economic development on in the region.[30] In reference to the independent audit of Maxxam, the "agreement" declared, "Employees should not be forced to cut themselves out of a job. We fully intend to get all of the facts on the table. We're tired of working in the dark when these things are knowable. A credible, independent review is essential."[31]

The participants in the "summit" and their spokespeople were practically orgiastic in self congratulatory praise over their supposed achievement. Doug Bosco proclaimed, "The agreements will strengthen our prosperity while continuing to protect the environment. There was hard bargaining, but it was a good-faith effort. What was decided was very much in the best interest of the people of the North Coast." The principle spokesmen for L-P and P-L agreed. Echoing Bosco, Shep Tucker called the discussions with Harry Merlo and the lawmakers "cordial" and further declared, "It was important to everybody to sit down and talk about these issues. I think this the beginning of a dialog." John Campbell agreed and issued a stern warning, opining,

> "Our company has entered into this agreement in good faith. It is now time for our adversaries to show the same good faith and work together in the interest of protecting PALCO's workforce from layoffs, protecting the integrity of the economy of Humboldt County and the long term viability of the timber industry in Northern California."[32]

Image by "M"

According to the deal Pacific Lumber's "agreement" to not log Headwaters was contingent upon their ability to log other old growth stands without interference from environmentalists, whether through lawsuits or otherwise. Campbell emphasized this by stating, "We've put our cards on the table. (If the intention of the company's critics is simply) banning cutting trees, then we've got a problem." He also threatened job blackmail yet again by stating that although the company had no plans to conduct any layoffs due to the "moratorium" on cutting in Headwaters, if they were barred from logging the other old growth stands, "the only people that (would) suffer out of that (were) going to be the workers," which was rhetoric intended to divide and conquer despite Campbell's (and Shep Tucker's) assurances that the so-called "pact" had been an attempt at overcoming divisions.[33]

Clearly, the so-called summit was an attempt to steal the thunder of the environmental movement which was beginning to successfully stir up a (left) populist revolt that threatened to expand to the timber workers as well as local residents as well. There were many who considered the meetings specifically to take the wind out of the sails of the *Forests Forever* campaign. This contention was bolstered by IWA Lo-

[29] "Lawmakers, Timber Companies Reach Agreement", by Keith Michaud, *Ukiah Daily Journal*, February 9, 1990.

[30] "Lawmakers Hopeful Agreements Will End Local Timber Wars", by Mark Rathjen, *Eureka Times-Standard*, February 9, 1990.

[31] Michaud, February 9, 1990, op. cit.

[32] "Lawmakers Hopeful Agreements Will End Local Timber Wars", by Mark Rathjen, *Eureka Times-Standard*, February 9, 1990.

[33] "PL Chief Turns to Activists", by David Forster, *Eureka Times-Standard*, February 10, 1990.

cal 3-469's Don Nelson who penned an open letter extolling the virtues of the timber pact—as opposed to popularly organized citizen initiatives—and sending it to just about every publication on the North Coast.[34] Even TEAM, who would have been the first issue a barrage of letters to the editor or organize a public event denouncing such a deal as "caving in" to pressure from "unwashed-out-of-town-jobless-hippies-on-drugs" if it had any real substance was strangely silent about it. In fact, the only communication from TEAM immediately following the summit was a letter to the *Eureka Times-Standard* from Marilyn Stamps (the wife of TEAM spokesman Don Stamps) encouraging more timber workers to join TEAM, WECARE, and the Yellow Ribbon Coalition.[35]

On the other hand, Environmentalists were quick to denounce the timber pact as "a hoax" Robert Sutherland declared, "This whole deal is simply a trade-off so the lawmakers can come out against the environmental initiatives. We've never been contacted by anyone about this timber deal."[36]

Greg King argued that the whole exercise was designed by the lawmakers to quell public dissent by feigning legislative action (that they never seriously intended to take), then holding a well-publicized "negotiation" which was off limits, designed to fool the naïve public that real action would follow, thus making the lawmakers appear to be "champions of the forest," conveniently in time for that year's elections. He summed up his thoughts on the pact succinctly by stating, "finding holes in this deal (was) like breaking windows with bowling balls."[37]

Judi Bari concurred, saying that, "The (politicians and owners) just want things to cool down; meanwhile the plunder continues."[38]

Darryl Cherney likewise warned, "When the five arch enemies of the forest get together to decide the fate of our ecology, people should worry. There was not one environmentalist, biologist, sawmill worker, logger, spotted owl, black bear, or even a redwood tree represented at these negotiations."[39]

Betty Ball called the agreement "A chink in the armor (of Corporate Timber) but (only a small) chink."[40]

Only Gail Lucas seemed moderately favorable towards the pact, declaring, "It's encouraging that industry, although reluctantly, has decided to face some of these problems, and we thank the three legislators for forcing them to move," but she also warned, "Promises are cheap. We look forward to industry's fulfillment of this agreement through legislation."[41]

This wasn't a case of sour grapes either. The lawmakers hadn't addressed any substantive environmental issues, such as L-P's and P-L's accelerated logging's effects on habitat, fish runs, and global climate, or their continued discharge of toxic emissions and effluents. The "pact" wasn't even legally binding.[42] Indeed, it was little more than "a gentleman's agreement." No laws had been passed; no legislative action was taken; not even a record of the discussion was recorded.[43] Darryl Cherney later joked, that the three politicians, Merlo, and Hurwitz had scribbled the agreement on a napkin, blown their nose on it, and then left it for the busboy; this wasn't far from the truth.[44]

Most of the points of the actual "agreement" were essentially meaningless. L-P's new Ensenada

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[34] Letter to the editor, by Don Nelson, *Mendocino Beacon*, February 22, 1990 ("Sees Progress"), *Ukiah Daily Journal*, February 26, 1990 ("Don't Make the Same Mistake"), *Anderson Valley Advertiser*, February 28, 1990 ("Too Little, Too Late, Donnie Baby"), *Willits News*, February 28, 1990 ("Initiative Mistake"), and *North Coast News*, March 1, 1990 (no title). Indeed there seemed to be no shortage of attempts by the powers that be to blunt the growing wave of opposition to Corporate Timber, because at the same time Bosco and his colleagues announced their agreement, Paul Barker, chief forester for the National Forest Service's Southwest Pacific region announced that it would reduce annual timber sales to private logging interests there from 1.8 billion bbf to 1.4 billion bbf during the coming decade, specifically to protect riparian environments. This was hardly a significant change, in spite of outcries of opposition from the Timber Association of California. Speaking for Friends of the River, conservation director Steve Evans declared, "It's nice that the Forest Service wants to protect more wild rivers and wilderness areas, but you have to put their agenda in the context of how many rivers and wilderness areas they are failing to protect," and indicated that the announced change still only protected approximately one-third of all of the areas on *public land* already eligible for protection under the federal National Wild and Scenic Rivers Act. See "Timber Harvest in State to Be Slashed", *UPI Wire*, *Eureka Times-Standard*, February 9, 1990. For further details.

[35] "Does Anyone Care for Timber", letter to the editor, by Marilyn Stamps, *Eureka Times-Standard*, February 11, 1990.

[36] "No Change in Redwood Plans; Officially, Headwaters Forest to be Logged", by Mike Geniella, *Santa Rosa Press Democrat,* February 21, 1990.

[37] "'Summit' Spells Ominous Watershed for Headwaters", by Greg King, *Earth First! Journal*, Eostar / March 22, 1990.

[38] "Big Timber's Foes Not Calmed by Agreement", by Mike Geniella, *Santa Rosa Press Democrat*, February 10, 1990.

[39] "Activists Protest Timber Agreement", by Mike Geniella, *Santa Rosa Press Democrat*, February 13, 1990.

[40] Geniella, February 10, 1990, op. cit.

[41] Geniella, February 10, 1990, op. cit.

[42] Geniella, February 10, 1990, op. cit.

[43] "'Summit' Spells Ominous Watershed for Headwaters", by Greg King, *Earth First! Journal*, Eostar / March 22, 1990.

[44] "Solutions to the Timber Wars", by Darryl Cherney, *Anderson Valley Advertiser*, June 26, 1991. John Campbell confirmed that the "deal" was *indeed* written on a napkin. It would have been a stunningly unprecedented development for such a deal to have any legal standing.

milling facility was not engineered to accept either raw logs or chips—only rough lumber. With the domestic lumber market suddenly booming due to the now impending listing of the Northern Spotted Owl as "threatened" and the possibility that *Forests Forever* and *Big Green* might pass, L-P could instead export chips or pulp and turn a tidy profit by doing so. Further, it made no difference to the workers or the forests if L-P supplied local mills, Mexican mills, or even Siberian mills (as was now being discussed) with any of its logs, because either way, the company would likely go on logging its 500,000 acres to infinity no matter who received the timber. Greg King described the prospect of L-P's promise to support economic development on the North Coast, and encourage the increase of "light industry" (as Doug Bosco had suggested), as "frightening," which was an understandable reaction given L-P's pollution of the water and air from their milling and pulp operations already. What additional maladies would their oil, gas, weapons, road construction, and toxic waste disposal subsidiaries bring to the area? What more would "El-Pio" do to Mendocino (not to mention Del Norte, Humboldt, Lake, Siskiyou, Sonoma, Tehama, and Trinity Counties)? [45]

There was little question that P-L's end of the deal was no less smoke and mirrors. There was no currently *approved* THP to log Headwaters Forest (three were pending approval, but were likely to be rejected in the courts), and though a moratorium on logging there might be considered "a victory", one only had to examine the fine print of the deal to note that P-L stipulated that if it were prevented from logging any of its other old-growth stands—either by lawsuits or the US Fish and Game Department—the moratorium would be nullified. Additionally, Maxxam was now contending that Headwaters was now worth $750 million, a price that almost equaled their entire purchase price for Pacific Lumber in 1985, and $16 million more than the latter's total assets at the end of 1988. The supposed audit to ensure that Maxxam not cut more than double P-L's pre-takeover logging volume was equally pointless, as Maxxam had been logging old growth at *triple* the old P-L rate for more than five years, making a million dollars of profit in the process, and liquidating almost 40,000 acres of forest. Maxxam had also sold off several the old Pacific-Lumber's assets. The audit would do nothing for either the workers or the health of the forest, and P-L's agreement not to export any logs was not a change at all, as the company logged many of those trees in Scotia, and what it didn't mill "in house" it sold to six other local mills.[46]

The most useless provision in the "deal" was P-L's agreement not to clear cut any of its holdings, because the company had a variety of equally destructive methods available to it which were almost as detrimental to the health of the ecosystems that they already used. The old P-L had used a "seed tree" harvesting system, in which 70% of a tract's standing board foot volume (which equaled roughly half of the trees) was logged. Initially, when Maxxam took over, PL switched to clear cutting, until two years of public outcry and legislative action forced Maxxam to curtail the practice. State Assemblyman Byron Sher's naïvely negotiated deal (in conjunction with Dan Hauser) with the company in 1987 to switch to "selectively manage" virgin old growth stands in exchange for the former's agreeing to drop pending legislation banning clear cutting. Now, Maxxam was using a *modified* "seed tree" system to log the tracts already once logged by P-L under this method, without any acreage limitations, thus creating several-thousand-acre clear cuts by default. At the rate PL was cutting at this time, all of P-L's remaining 56,000 acres of old growth forest would be liquidated by 1995, regardless of the methods used to harvest them. Sher, realizing that he had been had, attempted to reintroduce his anti-clearcutting bill only to have it defeated in committee by Dan Hauser. Now the latter was asking the public to trust him (along with the others) and Maxxam. It was no wonder environmentalists sensed danger.[47]

* * * * *

Many Pacific Lumber workers were no less incensed by the alleged "deal" because, despite all of Maxxam's rhetoric about how the new Pacific Lumber still took care of its workers, the agreement did nothing to address the insider trading Maxxam employed to acquire Pacific Lumber in the first place, nor did it address the matter of the insecure pension fund. Still dealing with the fallout of the Maxxam takeover, a group of Pacific Lumber workers, led by Pete Kayes, now a dues paying member of IWW Local 1, and five others had been organizing to try and file a class action law-

[45] "'Summit' Spells Ominous Watershed for Headwaters", by Greg King, *Earth First! Journal*, Eostar / March 22, 1990.

[46] King, March 22, 1990, op. cit.

[47] King, March 22, 1990, op. cit.

suit against Maxxam for essentially stealing it.[48] Testifying before the United States Senate Labor Subcommittee Hearing on Pension Raiding Risks on behalf of his fellow workers, retirees and their spouses on February 13, Lester Reynolds declared:

> "In October 1987 Senator John Dingell's committee held hearings on the Pacific Lumber takeover. To my knowledge today's hearing is only the second federal government hearing focusing on the Pacific Lumber takeover. I would like to see further investigation by the Justice Department. There are many questions that need to be answered. Was there any stock parking on the part of investor Boyd Jeffries, and what roles did Drexel Burnham, Michael Milken, and Ivan-Boesky play in the takeover? The firm of Salomon Brothers was hired to advise the Pacific Lumber Company's old Board of Directors. They said the stock was worth $60 to $77 a share, so why was it sold at $40? What happened to the 80% supermajority vote by share-holders required to approve the merger?
>
> "(S)ince the surprise buyout in 1986 by Charles Hurwitz and his Maxxam Corporation, Pacific Lumber has more than doubled the rate of cut in order to pay Hurwitz' junk bond debt. I have worked more overtime in the last four years than in my first thirty. Since the takeover, the workforce has grown from around 900 to 1,300 employees. Local environmental groups have waged a bitter fight over the company's clearcutting and plans to log in the heart of the last unprotected virgin redwood forest in the world. Whether the timberland is cut at the current rate or turned into a wilderness area, there will be job losses.
>
> "In addition to facing dwindling employment in the future when the old growth is all gone, our small community is facing a possible problem with our pensions. Before the takeover, the Pacific Lumber Pension Plan was federally insured through the Pension Benefit Guarantee Corporation, and we got cost-of-living increases every few years.
>
> "At the time of the takeover, our pension fund had an excess of over 60 million dollars. Shortly after the Maxxam tender offer in October 1985, the Pacific Lumber Company Board of Directors tried to change the by-laws in order to protect that 60 million, but only a few weeks later, for reasons that are still unknown, they gave in and agreed to the merger, giving Hurwitz access to the capital. Hurwitz then used the money to pay off the share-holders when he raised his bid from $38.50 to $40 a share on a total of $21.8 million shares. I find it disturbing that a corporate raider can finance a takeover in part by using the target company's own pension funds.
>
> "After the takeover, the old pension plan was terminated and bids were taken from insurance companies to provide an annuity. First Executive Corporation put up $343 million for Pacific Lumber junk bonds to help Hurwitz finance the takeover. Then their subsidiary Executive Life was awarded our pension contract, worth approximately $33 million, despite the fact that Executive Life was not one of the companies recommended by the consultants that Pacific Lumber hired to screen the bids. Also, the Executive Life bid was delivered to Pacific Lumber by a Maxxam official after the deadline."[49]

In response to Reynolds's testimony, Labor Secretary, Elizabeth Dole (the wife of then-Kansas Republican Senator Robert Dole) responded that Executive Life's assets exceeded its liabilities by a significantly comfortable margin and that no insurance company had defaulted on a pension annuity in the 15 years her department had enforced the federal pension statute. She was quickly challenged by subcommittee chairman Howard Metzenbaum, then Democratic Senator from Ohio, who pointed out that the substitution of annuities for federally guaranteed retirement plans had left many retirees with pensions that "may be no more than scraps of paper (which were) backed by an under-regulated insurance industry that plays fast and loose with everything from accounting methods to capital standards." Considering the lax regulation of securities laws that led to Maxxam's takeover of Pacific Lumber in the first place, Secretary Dole's words were not especially reassuring to Reynolds.[50] It didn't help inspire confidence either that at precisely the same moment, Drexel Burnham Lambert had just

[48] "Minutes of the February 1990 IWW Local #1 General Membership Branch meeting", recorded by Judi Bari, February 4, 1990.

[49] "Testimony of Lester Reynolds before the Labor Subcommittee Hearing on Pension Raiding Risks, U.S. Senate, February 13, 1990", reprinted in the *Country Activist*, May 1990.

[50] "PL Pension Plan Change Called bad for Workers", by Randy Wynn, *Eureka Times-Standard*, February 14, 1990.

announced that it was filing for Chapter 11 bankruptcy protection to protect itself from potentially angry creditors.[51]

Reynolds had taken a huge risk in journeying to Washington. He had not informed P-L management of his plans, simply asking for a day off "for personal business". He flew overnight to testify and then flew back to northwestern California almost immediately after the hearing. However, the monorail mechanic's plans and his testimony found their way into the hands of a *San Francisco Chronicle* reporter, and, unlike the *Wall Street Journal* who had deemed Kelly Bettiga's damning exposé of Maxxam not newsworthy, the latter publication was quick to reveal Reynolds's activities for the entire world to read. The mechanic's supervisors quickly questioned all of his coworkers to find out if they knew anything about his activities. None would cop to knowing a thing, but the next day, after Reynolds's return, P-L amended the company rules adding the requirement that any employee requesting time off provide a detailed explanation why.[52] Reynolds kept his job, but soon realized that he had even less security than he originally imagined. Shortly after his return, the NLRB office in San Francisco refused to hear the appeals filed by Pete Kayes and Bob Younger.[53] All of the supposed expressions of concern about the workers' well being by Pacific Lumber management were proving to be nothing more than empty talk. It was just as likely that their pledges not to log Headwaters were nothing more than that also.

* * * * *

Meanwhile, Earth First! refused to sit still and allow the politicians to steal their thunder. On February 12, 1990, 75 protesters organized a roving demonstration in Eureka that targeted all three offices of the public officials that had met behind closed doors with Hurwitz and Merlo.[54] First they marched to Doug Bosco's office, trailed by a group of police in cars.[55] A handful of demonstrators temporarily managed to gain access before being literally pushed out while the crowd chanted "No more closed doors!" At Barry Keene's office, one of Keene's aides attempted to see what all of the hubbub was about only to find herself debating the issue with an Earth First!er dressed as a bear. When the demonstration reached Dan Hauser's office, they decided to put an end to closed door meetings by literally taking the assemblyman's door off of its hinges.[56] Hauser's aide, Sandra Corcoran conceded that the Earth First!ers, in spite of their militancy had nevertheless been completely nonviolent, even going so far as the put the door back in place after they had made their point (though they had to borrow a hammer from her to do so).[57] Darryl Cherney explained to reporters, "P-L is giving up nothing. Number one, they have no approved timber harvest plan, and number two, if they did, it would be challenged by a host of lawsuits."[58]

On the very next day, February 13, 1990, in the early afternoon, a group of Earth First!ers ambushed one of Don Nolan's logging trucks on California State Highway 36 at Alton, loaded down with three huge old growth logs heading for Scotia, as it approached the junction with US 101. The demonstration had originally been planned to take place at John Campbell's office in Scotia, but word leaked out prompting the change of venue.[59] When the truck stopped at a stop sign, seven demonstrators exited a nearby van and quickly ran out in front of the truck and placed themselves in front of its radiator grill, creating a blockade. The police had been tipped off about the action and were already waiting in two squad vehicles at the interchange, but they were unable to act fast enough to prevent it. At that point, a second wave of fifty Earth First!ers raced across the highway to the impeded truck from their vehicles which they'd parked at the nearby US 101 Café. Five of them then rapidly climbed the truck, chained themselves to the straps on the logs, and unfurled a banner reading "SAVE THE ANCIENT FOREST," while the rest formed a line across the highway holding signs with slogans such as "No Compromise", "No Whitewash", and "No Shady Deals". Darryl

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[51] "Struggling Drexel Files for Bankruptcy Protection", *UPI Wire*, *Eureka Times-Standard*, February 14, 1990.

[52] 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 351-52.

[53] "PL Employees Lose Labor Appeal", *Eureka Times-Standard*, February 22, 1990.

[54] "No Deal Assholes", *Ukiah Earth First! Newsletter*, March 1990. Bari is not actually credited, but the text almost matches, word-for-word, Bari's description of the event in "1990: A Year in the Life of Earth First!", sans details.

[55] "Earth First! Stumps Against PL Pact", by Rhonda Parker, *Eureka Times-Standard*, February 13, 1990.

[56] "No Deal Assholes", *Ukiah Earth First! Newsletter*, March 1990.

[57] Geniella, February 13, 1990, op. cit.

[58] Parker, February 13, 1990, op. cit.

[59] "Earth First! Protest Ends With Arrests", by David Forster, *Eureka Times-Standard*, February 14, 1990.

Cherney, costumed in a large blue paper maché globe of the Earth, strumming his ubiquitous guitar, with the assistance of Larry Evans and Judi Bari (playing her fiddle) led the crowd in songs such as *Earth First!, Where* are *We Gonna Work When the Trees are Gone*, and *Maxxam's on the Horizon*.[60]

Image by Judi Bari

Don Nolan himself arrived at the scene in his pick-up truck. Nolan, an outspoken TEAM spokesman, made no secret of his hostility to the environmental movement.[61] He had recently been quoted in the press as having stated, "the environmentalists don't care about community. They're trying to destroy us. When left-wing bushy haired people dress up like trees and sing songs, I don't like it."[62] Showing that he meant it, Nolan insisted that the driver take off with the demonstrators still chained to it, but the police intervened. When some of the other truckers attempted to threaten the Earth First!ers with their cheater-bars, the police again prevented it. At one point, a counterdemonstrator managed to seize hold of the banner and pull it down from the truck only to watch the Earth First!ers replace it with a spare.[63] By this point, the traffic on Highway 36 had backed up all the way to Hydesville, about 18 miles to the east.[64] Most drivers, passing by on Highway 101 or 36 honked their horns or raised their thumbs in support of the action.[65]

The Police were dumbfounded, and as they were attempting to regain control of the situation. Finally, the police ultimately climbed up on top of the truck and cut the protesters loose. The activists cheered in solidarity as the six demonstrators, Sam Stroich, Dave Sims, Lincoln Pierce, Artemesia Woods, Elise Clark, and Sparrow, were each arrested in turn. The half dozen were charged with disturbing the peace and resisting arrest, both of which were demonstrably false. Sparrow had been arrested while attempting to interview the driver of the truck, even though reporters from a local TV news station (Channel 6) who were engaged in the same activity, were not. However the police that drove the arrestees to jail were mildly sympathetic to environmental issues and engaged the latter in friendly discussion on the way to the jail. All of the demonstrators were released by the next day.[66]

The authors of the "pact" not surprisingly were especially unpleased about the protests. Barry Keene tried to declare that the protests were misdirected by explaining, "the reason the (timber summit) did not include environmental groups is that we were making demands on the timber industry—not on environmentalists. When it's time to make demands on them, we'll invite them to be present."[67] John Campbell proclaimed, "The Pacific Lumber Company did not expect the radical environmentalists to agree to anything, (but we will) look toward the more constructive element of the conservation movement for a meaningful dialogue,"[68] suggesting that at least one the actual motivations for the summit was to split the environmental movement. That notion was more or less confirmed by the *Eureka Times-Standard* which opined:

> "The pledges (by L-P and P-L to the agreements) are conditional, however on both companies' abilities to operate in other areas free of the interference that environmentalists' running battles with (sic) have created in the past several years…The real question is a simple one. Do the environmentalists want to save the old-

[60] "Blockade at Highway 36", by Lincoln Pierce, *Country Activist*, March 1990.

[61] "No Deal Assholes", *Ukiah Earth First! Newsletter*, March 1990.

[62] "North Coast Split on Old Growth Trees", by Jane Kay, *San Francisco Chronicle & Examiner*, Sunday January 21, 1990. Judi Bari had also quoted Nolan as having said, "I hope the pendulum swings back and gives the property owners more rights over outsiders who aren't informed. My opinions come back from my ancestors, who protected the land from Indians, bears, and fire. This belief that you're just the custodian of the land, I don't support it. I pay taxes, I think I own it," but this statement was actually uttered by fellow contract logger, *Kent Holmgren*, and quoted in the same article.

[63] "Blockade at Highway 36", by Lincoln Pierce, *Country Activist*, March 1990. The photograph (by David Cross) on the cover of the Common Courage Press edition of Timber Wars, by Judi Bari is taken from this action.

[64] "'Human Chain' Stops Timber Truck", by Mike Geniella, *Santa Rosa Press Democrat*, February 14, 1990.

[65] Pierce, March 1990, op. cit.

[66] Pierce, March 1990, op. cit.

[67] Forster, February 14, 1990, op. cit.

[68] Parker, February 13, 1990, op. cit.

> growth forest, or do they want to halt all cutting of trees?"[69]

Again, nobody had actually proposed an end to all logging, but evidently any form of timber harvesting that didn't conform to corporate capitalist standards was "off the table" as far as the mainstream opinion was concerned.

These protests also stirred up some strong reactions in the local community. Candace Boak published an angry (and very poorly edited) retort including statements such as:

> What is so brave, and newsworth (sic) about stepping in front of a stopped truck?…Even my children have done it, many times…We all know you are just spoiled brats, who are starved for attention. If it's press coverage you want, go for the big time, we are tired of it…to do this you need to do something really brave. Next time, try doing it at the 25 mph corner at the top of the hill, a few miles back, now that's both brave and newsworthy…If you kids really want to play on the log trucks, why don't you just give Mr. Nolan a call, I'm sure he would gladly park a truck at the 101 Cafe and let you play…You said Mr. Cherney led the group in songs such as *Where are we Gonna Work When the Trees are Gone?*…Excuse me, but you don't work now, so what difference is it to you? I'm sure most of you have never worked a day in your life.[70]

Local resident George Stockwell wrote a similarly inane letter to *EcoNews*, claiming to be concerned about environmental issues, particularly the plight of endangered fish, but disagreed with the truck occupation on Highway 36. While this might have been an honest opinion, Stockwell saw fit echo Candy Boak's standard recitation of Corporate Timber talking points and hysteria about "unwashed-out-of-town-jobless-hippies-on-drugs."[71] Perhaps the most ridiculous analysis of Earth First! in general, made before the action on Highway 36, but no doubt shared by many who opposed it came from *Humboldt Beacon and Fortuna Advance* editor Glenn Simmons, who repeated congressman John Doolittle's dubious assertion—with a straight face—that Corporate Timber apologists outnumbered Earth First!ers by a ratio of 1000:1. No doubt Simmons willingness to accept full page paid ads from the likes of L-P and P-L didn't disqualify him from making such a judgment, in his opinion.[72] The *Eureka Times-Standard's* editorial standards were not much higher, a point finally challenged by letter writer Howard L. Selman in opposition to that publication's constant barrage of full paid advertisements from P-L.[73]

The "timber pact" wasn't quieting the growing militancy of the mainstream environmentalists either. On February 21, 1990, the Sierra Club announced that they were proposing comprehensive set of strengthened and enlarged designations for national parks and wilderness areas as well as the creation of a new ecological preserve network. The proposal came in response to efforts by Democratic Senator Brock Adams (representing the state of Washington) and Republican Senator Mark Hatfield (representing Oregon) to negotiate yet another timber "compromise" for their respective states. The lawmakers' proposal lowered timber sales on national forestland there to 3.85 from over 4 bbf annually, but the Sierra Club argued that these cuts did not go far enough to ensure the sustainability of the affected forests, and demanded a reduction to between 2.9 billion bbf at most to as little as 2 billion bbf. The Sierra Club registered support for additional proposals from Oregon and Washington lawmakers calling for stronger controls on log exports from public lands and taxing raw log exports from private lands. There was no indication, at least yet, that the Sierra Club would be deterred in demanding stronger controls on timber harvesting in exchange for supposed concessions from Corporate Timber.[74]

The next day, the *San Francisco Chronicle* revealed that Pacific Lumber's critics had been telling the truth when the latter had described the company's accelerated harvest rate as having been done to service Maxxam's takeover debt. The article revealed that the company was exploring the possibility of a long term bank loan to help pay off $580 million still owed in junk bond debts. Campbell confirmed the reports, but would not reveal the details, and described the prospect as "promising", elaborating, "If the restruc-

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[69] "Timber Pact Offers a Chance for Talks", editorial, *Eureka Times-Standard*, February 18, 1990.

[70] "A Cute Letter", by Candy Boak, *Country Activist*, April 1990.

[71] "Annoyed by Ecoradical Tactics", by George Stockwell, *EcoNews*, April 1990.

[72] "Doolittle Makes a Point", editorial by Glenn Simmons, *Humboldt Beacon and Fortuna Advance*, February 8, 1990.

[73] "PL Advertisement is of Concern", letter to the editor by Howard L. Selman, *Eureka Times-Standard*, March 10, 1990.

[74] "Sierra Club Urges New Harvest Plan", *UPI Wire*, *Eureka Times-Standard,* February 22, 1990.

turing plan is put into place, it will be beneficial to the long term viability of the company." The potential new loan would come from banks or insurance companies and would not come due for several decades as opposed to the much closer deadline of several years for the junk bond debts. The *Chronicle* attributed the information in their article to "unnamed sources," and though it was perhaps not the intent of the San Francisco daily to provide further grist for the environmentalists' mill, it clearly revealed that every one of Campbell's, Stephens's, and Galitz's denials that the increased harvesting had been done to service the debt had been a lie.[75]

Barry Keene, facing an election in which his he might lose by being swept away in a populist wave, was showing signs of desperation. On February 24, at an all day conference organized by the Redwood Region Conservation Council, he announced that he was drafting legislation to serve as a compromise between *Forests Forever* and *Big Green* on one side and *Big Stump* on the other. Before a large crowd at the Eureka Inn composed of a "cross section" of the North Coast timber industry from small local operators to large companies, the lawmaker declared:

> "If the timber industry wants to proclaim itself the good citizen, it won't block the legislation's success, and if environmentalists are interested in real solutions, they too will abandon any 'my way or the highway' mindset and cooperate for the greater good of all. (My) bill will establish a framework to assure that the industry is, in fact, managing resources for the long term. The answer isn't tucked within the words of one of these initiatives or stashed away in some miracle court decision. It's found in the core of sound public policy making…
>
> "The two companies made concessions ostensibly in good faith. We'll put that good faith to the test in the weeks and months to come, but we cannot do so unless responsible environmental groups also cooperate in demonstrations of good faith. It's time to begin asking the environmental groups to make necessary concessions if they are to become a part of the process. We need to ask them to shed some of the crusading mentality in favor of genuine environmental progress."[76]

It was, however—in the words of Bruce Anderson, "too little, too late." Demonstrating that none of the three timber corporations (or Simpson or ERS for that matter) had *any* intention of slowing down their harvesting rates whatsoever, the combined forces of Corporate Timber filed an unprecedented barrage of THPs *all within a span of a fortnight*.

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Earth First! - IWW Local 1 decided it was time to take command of the narrative once and for all, boldly and unapologetically. Fortunately, due to a combination of extremely fortuitous timing and the thoughts of a random drifter named Fred Moore—who was better known as "Walking Rainbow"—it didn't take them long to hatch the needed idea, and it had a catchy name too, with deep historical roots: Mississippi Summer of the California Redwoods, or "Redwood Summer" for short. Walking Rainbow had proposed the idea to Judi Bari when he showed up, out of the blue, in January 1990.[77] Moore was talking to anyone who would listen, and somehow he encountered Judi Bari following the Douglas Society forum. Bari was interested and suggested he contact her later that day, while she was at the hospital caring for her 4-year old daughter, Lisa, who was sick. Moore conversed for Bari for about five hours that night, "4 hours and 59 minutes (of which) was craziness and one (of which) was the seed for 'Freedom Riders for the Forest'."[78] Darryl Cherney recalls how the process evolved from there:

> "Fred Moore (Walking Rainbow) had no idea that we'd ever conducted a protest or ever done civil disobedience before, and thinking that we were complete novices suggested we emulate the Civil Rights workers in Mississippi and call for outside help. Fred described himself as a peace-walker, although he always seemed to be driving. I always think of him as Driving Rainbow. Judi called me up with the idea and we

[75] "PL Loan Could Cut Harvest Rate: Plan Would Restructure Maxxam Junk-Bond Debt", by David Forester, *Eureka Times-Standard*, February 23, 1990.

[76] "Keene Hopes His Legislation Will Defuse Timber Initiatives", by David Forester, *Eureka Times-Standard*, February 25, 1990.

[77] "An Interview With Redwood Summer Strategist and EF! Musician Darryl Cherney", by Sharon Seidenstein, *Ecology Center Newsletter*, October 1990.

[78] "Hot Tubbin at Harry's: Anna Marie Stenberg", interview by Lynne Dahl, *New Settler Interview*, issue #54, December 1990.

agreed to give it a try and in fact, coincidentally or incidentally, the Student Environmental Action Coalition (SEAC) was having a nationwide protest for the state of the forest in late February of (1990). We got ourselves on the speakers' roster for the Sacramento rally and we made up flyers announcing 'Mississippi Summer in the California Redwoods'.[79]

On Monday, February 26, 1990, Judi Bari, Darryl Cherney, and Greg King on behalf of various North Coast Earth First! groups issued the following statement:

"It's going to be a long hard summer in Northern California. The public is outraged over the timber companies' policy of exterminating the forest for short-term profit, and the corporados know they're not going to get away with this much longer. Whether it's *Forests Forever* or something weaker, it seems inevitable that *some* restrictions will soon be passed.

"This summer will be a race by L-P, G-P, and Maxxam to take every tree they can as fast as they can before any regulations can take effect. It looks like a total blitz—over 2,500 acres of timber harvest plans have been filed here in the last two weeks alone. And it doesn't seem like we can stop them by ourselves.

"Back in the early 60's, the Civil Rights Movement found themselves in a similar situation in Mississippi, unable to break the stranglehold of the powers-that-be, but backed by substantial public support both locally and nationally. What they did was to put out a nationwide call for people to come ride the buses to Mississippi and help challenge the rule of racism. We need to do the same thing here now to save the forest. We are putting out a call for Freedom Riders for the Forest to come to Northern California this summer and defend the last of the redwoods with nonviolent civil disobedience. This will be a major project, and will require the support of local people to help feed, house, and guide out-of-town demonstrators."[80]

Earth First!ers also intended to call upon residents involved in local watershed councils to assist in organizing demonstrations against corporate timber. "We'll be contacting people who live in all the local watersheds, from Big River to Schooner Gulch, because they know the areas intimately and want to save them," declared Bari.[81] Many of the locals, including the back-to-the-landers in the Mateel watershed at the very least, had no objections to the proposed summer of actions. Indeed, the only note of concern among those not associated with Corporate Timber came from the principle authors and supporters of *Forests Forever*—notably Robert Sutherland and Gail Lucas—who worried that the timber corporations targeted by the measure might use Mississippi Summer as a negative association. Cherney countered these fears by pointing out that the corporations were likely to do this whether or not Earth First! called for Mississippi Summer of the California Redwoods anyway.[82] This assertion mostly reassured the folks at EPIC, but not Gail Lucas, and this would have ramifications down the road.

Shortly after the announcement, Bari and Cherney traveled to Sacramento to address the aforementioned national meeting of the Student Environment Action Coalition (SEAC). Student representatives from ten universities from as far south as UCLA and San Diego State and as far north as Humboldt State University were "very enthusiastic" about the proposed summer of direct action. SEAC agreed to publish notice of the Mississippi Summer of the California Redwoods in their national newsletter, which would be seen by the organization's chapters nationwide. Students would be expected to arrive on the North Coast in early June.[83]

Almost immediately, Corporate Timber condemned the idea. Pacific Lumber spokesman David Galitz denounced it as, "An end run (around the timber pact) to garnish media attention," as well as a bunch of irresponsible children saying, "Let's have fun on our summer vacation." He also offered what amounted a veiled threat, declaring, "When their activities reach the point that it seems to threaten our way of life, our very lifestyle, then let me tell you these folks up here are going to feel very threatened."

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[79] Seidenstein, October 1990, op. cit.

[80] "Mississippi Summer", press release, by Judi Bari and Darryl Cherney, *Country Activist*, March 1990.

[81] "Mississippi Summer in the Redwoods", by Bruce Anderson, *Anderson Valley Advertiser*, February 28, 1990.

[82] Harris, op. cit. pages 312-13.

[83] Bruce Anderson, February 28, 1990, op. cit.

Galitz, had—by contrast—not seemed at all worried by Maxxam's takeover almost five years previously.[84]

Louisiana-Pacific's Shep Tucker called for the national media to boycott the campaign, opining, "I don't think it's legitimate news. I think the average person up here is tired of hearing and seeing this stuff."[85]

Meanwhile, Don Nelson, once again taking on the role of local spokesman for Georgia-Pacific by default, reacted hostilely, firing off a (poorly edited) letter that he intended to send to all college campuses in the United States in rebuttal to the letter sent out by SEAC, declaring:

> "People who encourage this kind of action by innocent and inexperienced students should be arrested for conspiracy to assault those students.
>
> "No person is safe who enters a logging site or drives on a private truck road without permission…
>
> "Those who incite them to lay down their bodies for the trees are their murderers if they are killed, their attackers if they are injured.
>
> "I urge all College Councelors [sic] and Teachers [sic] who are aware that their students are being solicited to spend the summer protesting loggering [sic], do all in their power to discourage such a hazardous adventure.
>
> "California's Legislature is struggling to resolve the conditions environmentalists are concerned about and there are several initiatives being readied for the November ballot as well. There is no reason for civil disobedience to save the redwoods. The human condition that may warrant civil disobedience is the threat to workers, jobs, homes and families that is caused by groups like Earth First!. Workers live in every day [sic] fear of loss of job, home and family caused by the 'Woolies from the Woods'.[86]

Not to be outdone, Barry Keene admonished the environmentalists—specifically EPIC and Earth First!, though he didn't directly identify them—by declaring:

> "If environmental groups want to spare Headwaters Forest they should consider giving up some of their lesser objectives so that Pacific Lumber does not need to shut down its mills. If they don't, they are taking pressure off of P-L and allowing P-L to shrug its shoulders and say, 'We tried,' and put the Headwaters Forest to the chainsaw."[87]

However, Pacific Lumber had no intention of keeping its promise one way or the other. Although the company had supposedly agreed to a two-year moratorium on logging Headwaters Forest, they still had a trio of THPs (1-88-462, 1-89-762, and 1-89-793) still pending with the CDF and even after the conclusion of the so-called "pact" *none* of them had been withdrawn. In fact, the CDF confirmed that the THPs were still moving forward towards a review. When environmentalists raised an outcry about this, the five parties who crafted the pact reminded them that the moratorium on Headwaters was contingent upon noninterference with other THPs, a point which an exasperated Betty Ball angrily rebutted, stating:

> "They're trying to put the responsibility for the fate of Headwaters on the shoulders of the tree huggers…What an insult! The courts clearly haven't thought we are off the wall or frivolous. If a timber harvest plan has flaws in it, and is not environmentally sound, then it's our obligation to prevent logging from happening until it's done right."[88]

John Campbell made an ostentatious display of feigning ignorance, claiming that the moratorium on Headwaters was still in place. He explained,

> "After all of this work is done, and if the plans are approved, we still won't log because we've agreed not to for the two-year period…The state wants fairly extensive wildlife research in that area to determine whether or not the particular area has critical habitat, and that could take many, many months."[89]

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[84] "Redwood Wars Ready to Escalate: Coast Braces for Influx of Protesters", by Mike Geniella, *Santa Rosa Press Democrat*, March 25, 1990.

[85] Geniella, March 25, 1990, op. cit.

[86] Letter to the editor, by Don Nelson, *Anderson Valley Advertiser*, April 4, 1990 ("Don Nelson Flips Out"), *Willits News*, April 4, 1990 ("Dangers in the Woods"), and *Mendocino Beacon*, April 5, 1990, ("It's Dangerous").

[87] "Keene Hopes His Legislation Will Defuse Timber Initiatives", by David Forester, *Eureka Times-Standard*, February 25, 1990.

[88] "No Change in Redwood Plans; Officially, Headwaters Forest to be Logged", by Mike Geniella, *Santa Rosa Press Democrat,* February 21, 1990.

[89] "Pacific Lumber: We Gave Our Word; No Logging in Headwaters for Two Years", by Mike Geniella, *Santa Rosa Press Democrat,* February 22, 1990.

Campbell's assurances were not likely to appease anyone critical of Maxxam, however. Greg King, in particular, bluntly questioned how the deal could be called a "moratorium" unless the logging plans were completely withdrawn.[90]

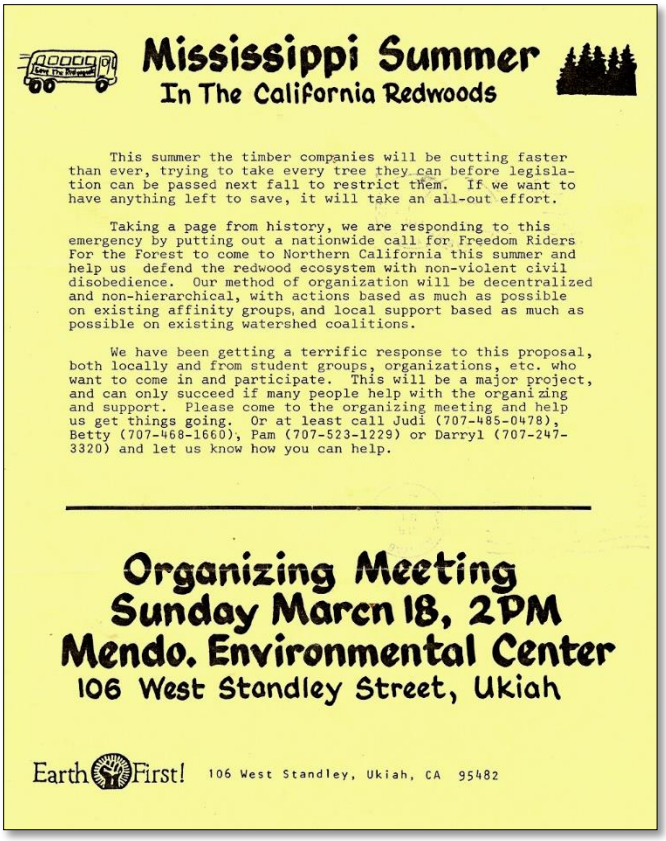
The *Santa Rosa Press Democrat*, carrying the water for the three lawmakers who had brokered the "pact" excoriated both P-L and the environmentalists, opining:

> "It is disappointing—but not surprising—that a timber industry truce has come unstuck in record time…The immediate sticking points are Pacific Lumber's refusal to withdraw applications to harvest timber in the Headwaters Forest of Humboldt County…and Environmental groups' refusal to stop raising legal challenges to harvesting plans, despite lawmakers' promises to work to discourage legal challenges…These obstacles only symbolize the gulf of distrust and selfishness that separates the interested parties."[91]

The *Press Democrat's* attempt to assign blame to both sides equally was grossly unfair, however, not to mention dangerous, because the environmentalists could rightfully claim that their actions were the pinnacle of self*less*ness, especially given their willingness to eschew the comforts of lucrative employment, forgo job security, and even risk arrest in order to protect the planet from certain destruction. Meanwhile, Harry Merlo and Charles Hurwitz continued to rake in record earnings as they continued their plunder of the redwoods unabated.

In fact, no sooner had the environmentalists been scolded publically when they were immediately vindicated. Within a week of the latest back-and-forth accusations leveled by the environmentalists and the brokers of the "deal", three Earth First! hikers discovered a 17-ton tractor bulldozing a one-mile logging road along the ridge top leading into the heart of Headwaters Forest. They quickly notified Judi Bari by radiophone, who then alerted the media and activists throughout California. As described by Greg King,

> "The new road runs along a ridge separating the grove's primary streams, Little South Fork Elk River and Salmon Creek, and provides direct access to timber harvest plans for 230 acres in Salmon Creek and 165 acres in Little South Fork. The former THP (1-88-462) was subject of a lawsuit brought by EPIC and Sierra Club and is now in State Appellate Court, and may be approved by this court at any time. The California Department of Forestry may decide by the end of March whether to approve or deny the latter THP (1-89-762) as well as a 399 acre old growth cut on Salmon Creek, (THP 1-89-793)."[92]



Redwood Summer leaflet by Judi Bari

Within a week, hundreds of people from as far south as the San Francisco Bay Area and as far north as Portland, Oregon, pledged to journey to Humboldt County to take direct action to stop further construction of this road and destruction to Headwaters.[93] If this was the response for one, albeit important grove of redwoods, it would no doubt pale in comparison to Redwood Summer.

More to the point, the existence of the road was certain proof that—once again—John Campbell had been lying in service of Maxxam. On Friday,

[90] Geniella, February 21, 1990, op. cit.

[91] "Timber Agreement Comes Unstuck", editorial, *Santa Rosa Press Democrat*, February 22, 1990.

[92] "The Latest on Headwaters Forest: Maxxam Violates Accord, Dissects Headwaters", By Greg King – *Country Activist*, March 1990 and *Earth First! Journal*, Eostar / March 22, 1990.

[93] King, March 22, 1990, op. cit.

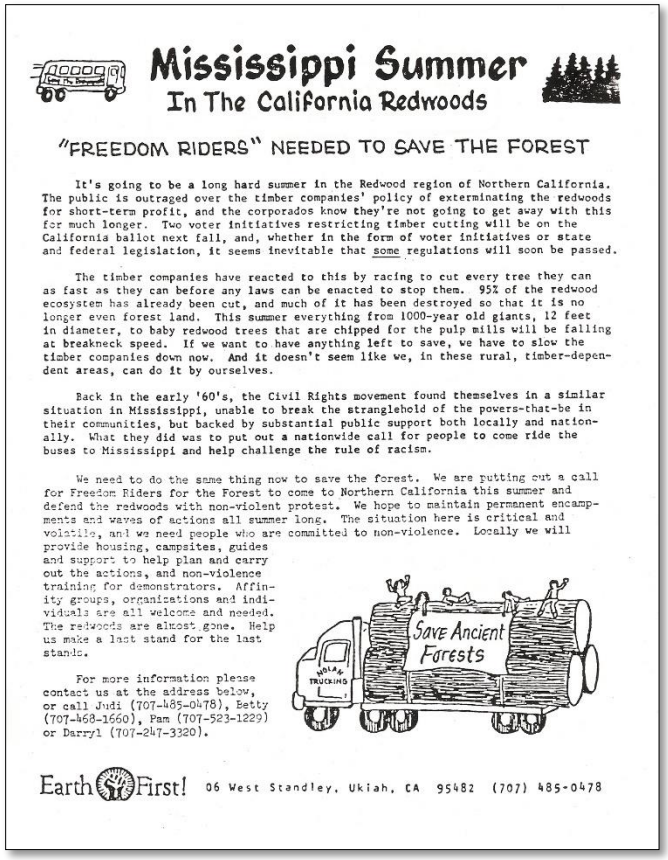
March 2, 1990, CDF director Len Theiss announced that on that day, CDF foresters would inspect the ridge top road. However, without even having seen the road himself, Theiss declared that the road was a "trail to allow access for wildlife biologists conducting studies" in Headwaters Forest. When challenged on the idea that a 20-foot wide, one mile long skid road was excessive overkill for a trail, Theiss simply stated, "it's a difference of opinion." However, by March 5, Theiss had yet to consult with his CDF inspector, Steve Wert, and when confronted with this information could only state, "The only thing I know is what I read in the paper. The *Santa Rosa Press Democrat* indicated that there were no violations of the rules, that the road was, in fact, a trail so that they would get the biologists to do the surveys necessary in Headwaters. That's about the extent that I know." Wert was unavailable for comment.[94]

That same day, Barry Keene's forestry consultant, Andrea Tuttle issued the following statement:

> "I called and was told by Pacific Lumber what the road was and then we had that confirmed by both Fish and Game and the Department of Forestry and we feel that the matter is closed…It is indeed a road, but it is through brush. There were no trees cut to create access so that the negotiated wildlife studies could be conducted…It is an approved, agreed upon cutting of a road…According to Fish and Game and (the CDF), there were agreements that the area was too dense for anyone to physically get in there to do the studies…It's difficult to physically get access."[95]

However, one hiker who found the road insisted that this so-called "trail" couldn't be anything but a means for quickly hauling harvested logs out of Headwaters Forest:

> "No self-respecting biologist would bulldoze a road or trail of any kind along a crucial ridge top habitat migration corridor in order to study wildlife there…This notion is ridiculous, and clearly the road is intended mostly to allow quick and easy access for fallers should approval of adjacent logging plans come any time soon."[96]



Mississippi Summer
In The California Redwoods

"FREEDOM RIDERS" NEEDED TO SAVE THE FOREST

It's going to be a long hard summer in the Redwood region of Northern California. The public is outraged over the timber companies' policy of exterminating the redwoods for short-term profit, and the corporados know they're not going to get away with this for much longer. Two voter initiatives restricting timber cutting will be on the California ballot next fall, and, whether in the form of voter initiatives or state and federal legislation, it seems inevitable that some regulations will soon be passed.

The timber companies have reacted to this by racing to cut every tree they can as fast as they can before any laws can be enacted to stop them. 95% of the redwood ecosystem has already been cut, and much of it has been destroyed so that it is no longer even forest land. This summer everything from 1000-year old giants, 12 feet in diameter, to baby redwood trees that are chipped for the pulp mills will be falling at breakneck speed. If we want to have anything left to save, we have to slow the timber companies down now. And it doesn't seem like we, in these rural, timber-dependent areas, can do it by ourselves.

Back in the early '60's, the Civil Rights movement found themselves in a similar situation in Mississippi, unable to break the stranglehold of the powers-that-be in their communities, but backed by substantial public support both locally and nationally. What they did was to put out a nationwide call for people to come ride the buses to Mississippi and help challenge the rule of racism.

We need to do the same thing now to save the forest. We are putting out a call for Freedom Riders for the Forest to come to Northern California this summer and defend the redwoods with non-violent protest. We hope to maintain permanent encampments and waves of actions all summer long. The situation here is critical and volatile, and we need people who are committed to non-violence. Locally we will provide housing, campsites, guides and support to help plan and carry out the actions, and non-violence training for demonstrators. Affinity groups, organizations and individuals are all welcome and needed. The redwoods are almost gone. Help us make a last stand for the last stands.

For more information please contact us at the address below, or call Judi (707-485-0478), Betty (707-468-1660), Pam (707-523-1229) or Darryl (707-247-3320).

Earth First! 06 West Standley, Ukiah, CA 95482 (707) 485-0478

Redwood Summer leaflet by Judi Bari

Another hiker conceded that the ridge top brush was thick, but still denounced the possibility that it the road was simply a wildlife trial. "I've carried 70 pounds in a frame pack along that same ridge…it's not impossible, and it's certainly more desirable than cutting a road. (But) what wildlife is going to hang around in an area when a machine as loud as a rock concert and as destructive as a Sherman tank comes rolling into its home?"[97] The three Earth First! hikers, who referred to themselves as the "Mud Babies Affinity Group" videotaped the road and submitted the footage to the Sierra Club.[98] The latter filed suit to halt further construction of the road[99], the suit was successful, forcing Maxxam to abandon the project, but by that point the horse had broken through the barn door.[100] There was now no doubt whatsoever, that the supposed timber summit had been a complete fraud. It was indeed shaping up to be a long hot summer.

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[94] King, March 22, 1990, op. cit.

[95] King, March 22, 1990, op. cit.

[96] King, March 22, 1990, op. cit.

[97] King, March 22, 1990, op. cit.

[98] Bari, January 2, 1991, op. cit.

[99] "Sierra Club Asks Court to Hear Controversy Over PL Roadwork", *Eureka Times-Standard*, March 14, 1990.

[100] Bari, January 2, 1991, op. cit.