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Protecting Public Forestlands

Forest Voice

July
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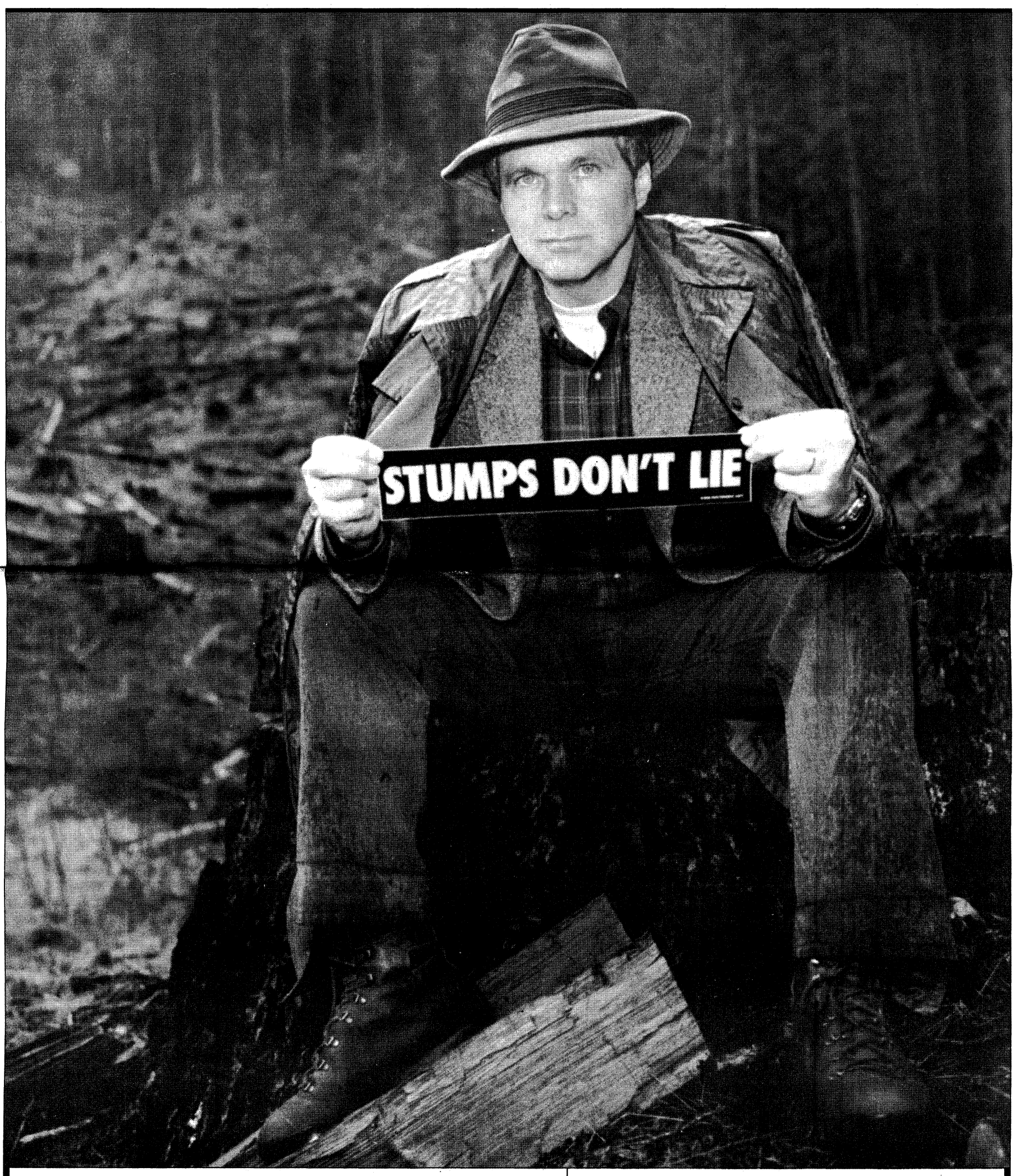

In this issue:

- **The NFC goes to court to block injunction release.**
- **Whatever happened to the Mother of all forest protection campaigns?**
- **Can anything change without campaign finance reform?**

Native Forest Council
P.O. Box 2171
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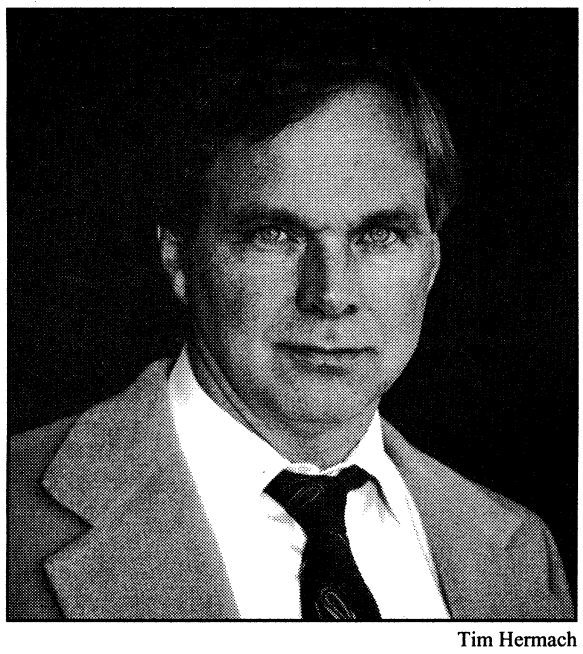

Tim Hermach

Good Intentions and Two Bucks Will Buy You a Latte

Not too many years ago, the Forest Service would send bulldozers to assault salmon streams clearing them of all that annoying woody debris, secure in the belief that logs and large rocks were detrimental to spawning streams. We know different now. But intentions did nothing to alter disastrous results.

Results are, in fact, usually a clear indicator of intentions. They are to intentions what effect is to cause. Our forests are trashed because Congress intended to reward its industrial patrons with unfettered access to the national forests, and was willing to sacrifice your woods for its wealth. It did so for several decades, raising the cut commensurate with the greed of the cutters. No point in denying it, or saying the science was inconclusive, or pretending they didn't know. The results speak more loudly than the denials.

The same principle applies to the environmental community. No point in feigning surprise or regret when they start logging the last great road- less areas in Montana if you're among the supporters of the Montana Wilderness [Destruction] Bill. When your pet Adaptive Management Area is riddled with clearcuts, well, that must have been your intention judging by the results. When old-growth logging resumes in the Northwest, don't bother being outraged if you agreed to drop the Dwyer injunction.

If we live in a world long on intention and short on results, it is because we continue to separate the two. In consequence, a society emerges where no one is willing to take responsibility for anything, and the designers of disaster are quick to claim they are actually its victims.

Victims have been elevated to the status of heroes, and whining has become the national pastime. The environmentalist's whine is the oft-repeated mantra: "We don't waannna take the hard stands because we're too weak." When Montana is leveled, not a single environmental organization that supported the legislation releasing millions of acres to the saw will take responsibility for the losses. If Judge Dwyer refuses to issue another blanket injunction, none of the 11 plaintiffs who agreed to let the old injunction expire will feel the tug of conscience. They will cloak themselves in victimhood and whine about political reality.

Like an athletic team whose tendencies have been scouted for exploitation by the opposition, these tendencies in the environmental movement have been identified and are exploited by industry.

Bruce Harrison is the public relations weasel who, on behalf of chemical manufacturers, attacked Rachel Carson after she published her 1962 best-seller *Silent Spring*. As reported by John Stauber in the second quarter 1994 issue of PR WATCH, Harrison became a pioneer in the art of pimping for polluting corporations. What he procured was good press and he did it by developing many of the techniques now widely used to put a green spin on dirty doings: scientific misinformation, phony "grassroots" front groups, emotional appeals, threats of economic collapse, and the manipulation of media and opinion makers.

For almost three decades the strategy was successful. Eventually, however, the sheer volume of corporate lies and denials made skeptics of even the most blissful consumers. If "cigarette scientists" were no longer the starched white symbols of corporate credibility, a quick coat of green paint could invigorate their tarnished message.

Harrison looked at the environmental movement and saw two things: First, he saw that environmental activism was "dead." Environmentalists were abandoning the very strategies that Harrison knew brought about real reform: "the tactics of community organizing, street demonstrations, and noisy conflicts with industry." Next, he saw the movement softening and blurring into the mirror image of its antagonists. A poverty of passion had transformed the one-time harbingers of change into dozens of professionally-run, competitive, *businesses.*

Then Harrison made the obvious connection. He saw that the movement's *intentions* had changed. As Stauber reports, Harrison saw that "today's environmental groups are first and foremost business ventures, run by managers. [These] are tax-exempt, customer-based firms primarily concerned with fund-raising and maintaining a 'respectable' public image. This preoccupation with funding and respectability makes them willing to sit down with industry and cut deals in which their main concern is their own financial bottom line."

The deals—from the environmentalist's perspective—were primarily designed to help greens "stay in the greening business." The movement's new goal, realized Harrison, "is not to green, but to insure the wherewithal that enable it to green." Industry's goal remained consistent: to give up as little as possible in order to perpetuate the status quo.

With this shift in environmental intentions, Harrison is certain industry can achieve better results by simply buying and co-opting the greens. He urges industry to join the boards of directors of environmental organizations; perhaps finance some benign pet project. As long as you're talking, Harrison notes, you're not fighting. He even wrote a little primer on the subject called *Going Green,* which earned him PR industry accolades in 1993 and "confirmed his status as the leading [PR] thinker on environmental issues."

So that's how we're seen by industry and its spin doctors. Greens would deny it, of course, but here is where *results* come in. In the forest movement, for example, when have we done anything that didn't result in a net *loss* of forests? What have we "saved" that didn't accompany an even larger giveaway? Why do some of the most influential environmental organizations still support industrial logging of native forests on public lands? When will the deals end, and when will the movement again resemble the lions some portray themselves to be in their fund-raising materials?

When the focus and intention of our efforts is once again, as Harrison put it, "to green," then we can safely begin to anticipate commensurate results.

For PR WATCH subscription information address correspondence to:
3318 Gregory Street
Madison, WI 53711
608-233-3346

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BRAZIL

State of Amazonas, Brazil.
Light areas denote clearcuts.

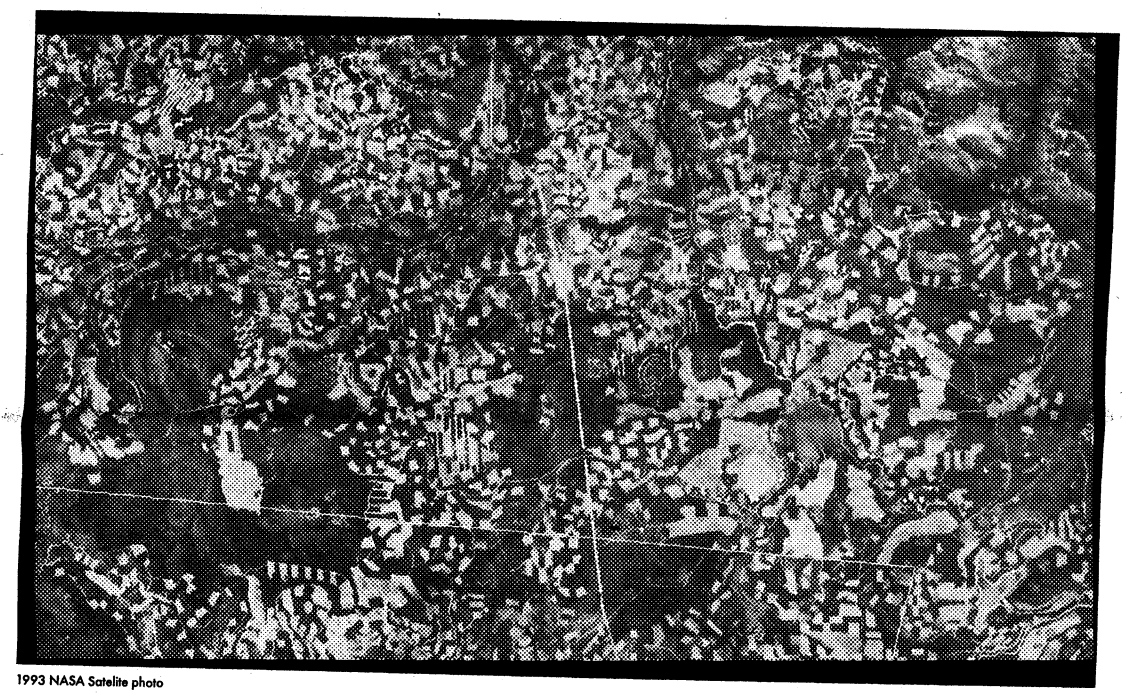
85% UNLOGGED

1993 NASA Satelite photo

Isn't it Time We Focused On Saving Our Own Rainforests?

U.S.

Mt. Hood National Forest, Oregon.
Light areas denote clearcuts.



1993 NASA Satelite photo

5% UNLOGGED

The clear-cut destruction of Brazil's rain forests has been the outrage of the American public since the media brought it to our attention. Yet the situation here at home is more urgent. While 85% of Brazil's rain forests remain intact, only 5% of U.S. native forests currently remain. And if proposed legislation passes, you can virtually ensure that a trip to Brazil will be our future generations' only chance to see native forests still intact.

In an effort to affect compromise, both the Montana "Wilderness" [destruction] Bill and Option 9 allow the *continued logging* of our remaining native forests. But what's being compromised here is more than trees. The northern spotted owl is only one of the endangered "indicator" species. This owl represents more than 160 other species, as well as the forest itself – from the tiny redback vole to salmon and the piliated woodpecker and roosevelt elk which are dependent on the old-growth ecosystem for survival. Also at risk are numerous medicinal plants which grow in these fertile areas, including the Taxol-producing Pacific Yew.

While some argue that these forests and species are the price that must be paid in order to preserve jobs, this is simply not so.

The solution lies in halting the export of unfinished timber and jobs overseas. It lies in passing mandatory recycling laws and developing markets for post-production wood-fiber products. It lies in stopping all logging on national public land via legislation better than the Montana Bill or Option 9, legislation that will keep both trees and jobs at home.

Let's do what's right for all involved.
Contact the Native Forest Council at 503-688-2600
or P.O. Box 2171, Eugene, Oregon 97402
and help us save America's last rain forests.
It's a lot cheaper than a trip to Brazil.

President Bill Clinton
The White House
Washington, DC 20001

1nyt4534

Please withdraw your support for the Northwest Forest Plan, Option 9, today. "We" have already lost 95% of "our" native forests. America and Americans cannot afford to lose any more of what "they" own in "our" national forests. Please reopen discussions toward truly innovative solutions now. Thank You.

Name_____
Organization or Business_____
Address_____
City_____ State_____ Zip_____
Phone/fax_____

ZERO CUT.
ON THE PUBLIC'S LANDS

Native Forest Council
Protecting public forestlands

IT'S YOUR FOREST!

Native Forest Council
P.O. Box 2171
Eugene, OR 97402

1nyt4534

I support your efforts to save our national forests.

☐ Please send me more information about the plight of our native forests.
☐ Please sign me up as a member of Native Forest Council. My annual membership of $35 is enclosed (outside U.S.-$60). Thank you.

Name_____
Organization or Business_____
Address_____
City_____ State_____ Zip_____
Phone/fax_____

Your help is needed! Around the nation our children's heritage is being destroyed.

This full-page ad appeared in the Western edition of ***The New York Times*** on June 17, 1994. It is part of our effort to counter the multi-million dollar "don't worry, keep cutting" media blitz by the timber industry. It is critical that the industry's misinformation campaign is challenged and rebuked. **Please help the Native Forest Council place this and other hard-hitting ads in newspapers and magazines throughout the country.** To help with ad placement call or write: The Native Forest Council, PO Box 2171, Eugene, OR 97402, (503) 688-2600.

Trial by Fire

Environmental law offices destroyed in suspected arson fire

Offices of the Pacific Justice Center

Redway, CA
July 14, 1994

*F*ighting for the public interest inevitably puts you at odds with those who place private profit over public welfare. Enemies are made, grudges held. In the early morning hours of Thursday, July 14, 1994, the offices of the Pacific Justice Center (PJC), a Redway, CA-based public interest environmental law firm, burned to the ground.

The fire completely destroyed the two story building. All but the files from one filing cabinet were lost. Computer equipment, furniture, law books, personal effects, all charred beyond use.

The exact cause of the fire is, as yet, undetermined, and an arson investigation continues. What is known is that the fire started inside the building away from appliances, wiring, or other accidental sources.

PJC was formed in 1993 by a consortium of four attorneys: Mel Pearlston, William Verick, Mark Pollock, and Sharon Duggan.

This July Ms. Duggan, who specializes in challenging the approval of illegal timber harvest plans on private lands in the State of California, joined the Board of Directors of the Native Forest Council. She has a long history of political and social activism. Duggan is a fighter, and for most of her life, this third generation San Franciscan has been squarely on the side of the underdog.

While at the University of San Francisco, Duggan began working

The fire started inside the building away from appliances, wiring, or other accidental sources

with deaf and hard of hearing children, and for three years was actively involved in the prison reform movement.

In 1982 she graduated with honors from the McGeorge School of Law at the University of the Pacific in Sacramento and began working as a public interest lawyer. Having gown up in Humbolt County, Duggan held a special affection for the towering redwoods and old-growth forests that were once in abundance in the northern part of the county. Her first timber case in 1983 challenged a harvest of 75 acres of old-growth owned by Georgia Pacific. She won, and because the sale originated on private lands, the decision became a land mark in forest litigation.

Private land forestry was a unique and a neglected area of specialization. As Duggan notes, "Although there are highly specific laws, the State continues to be unwilling to enforce them vigorously. As a result," she adds, "we have continued degradation of our private land forests."

Since industrial timber companies frequently break environmental laws in the rush to cut trees, Duggan frequently won. Many of her cases would have never even been filed were it not for her willingness to represent concerned citizens on a pro-bono basis.

As part of the Pacific Justice Center, Duggan continues to specialize in private forest land practices, although PJC has also been litigating violations of California's toxic right-to-know law, Proposition 65. During the past year PJC has filed suit against forest product companies such as Blue Lake Forest Products and Schmidbauer Lumber company, alleging that the companies exposed workers to toxic chemicals such as petachlorpheynol without warning. PJC lawyers have also sued Terminix, the nation's largest pest control company, for exposing Eureka school children to asbestos without warning. Additionally, PJC recently served notice (*a prerequisite to filing a lawsuit*) of toxic right-to-know violations upon 65 heavy-duty diesel equipment manufacturers and 260 small engine producers.

In the wake of the fire PJC immediately secured temporary new office space in nearby Garberville and were back in business the following Monday. The building and its contents were insured, and the lost files can be recreated.

Duggan and her colleagues remain undeterred. More than ever, they believe that PJC has an important role to play in seeking the enforcement of laws through environmental litigation. If attempted intimidation is any measure of effectiveness, PJC is on the right track.

We are proud to welcome Ms. Duggan to the Native Forest Council.

Editor's Note

Bullying the Bulldozer

The forest movement is not monolithic. There are large corporate national groups, nimbler regional organizations, and local groups often no larger than two people with a telephone. Some focus on education, others on lobbying, still others on grassroots organizing. Some groups excel at litigation, others at media, some challenge timber sales.

The work of these diverse groups progresses slowly, while timber is felled with industrial efficiency. Thus, as demonstrated in many social movements, working solely within the system is inadequate to secure timely or meaningful change. Civil disobedience becomes necessary when injustices have hardened into institutionalized practices.

The forest movement has its own shock troops: foot soldiers who oppose the cutting of forests at the source. Their methods often gain them notoriety if not credit. They are untidy, confrontational, quick to evoke anger and accusation from the opposition, and denial and embarrassed unease among those in the movement who fight their battles primarily with computer keyboards and cellular telephones. They are commonly, though not always accurately, referred to as Earth First!ers and their niche in the forest movement is direct action.

Direct action is often devalued and disparaged because it plays by no known rules. People involved in it refuse to roll over. They have been known to ignore court orders, Forest Service directives, timber industry threats, and the enmity of local communities. The fact that they often appear ill-mannered and unkept, does little to enhance their public image. But it is not status they seek. They seek to stop the cutting of forests, usually under one or more of the following circumstances: When all other legal methods have been exhausted; when remote areas are under attack and no one either cares enough or is organized enough to mount successful opposition; or when government agencies like the Forest Service break the law believing themselves safe from public scrutiny and concern.

They do it by blockading roads, taking up temporary residence in trees, chaining themselves to bulldozers, and standing toe-to-toe with angry loggers. They have been accused of spiking trees. Some have suffered beatings, had their homes set ablaze, their children harassed, and endured lawsuits and imprisonment. They are a serious bunch, and though their tactics may provoke backlash and debate, they routinely put their safety and their freedom on the line in defense of their values. It is a tradition deeply rooted in our nation's past, and few of us today can honestly claim it.

— WVR

The place is Idaho; a wildlife corridor between the Selway-Bitterroot and Frank Church River of No Return Wilderness called Cove/Mallard.

At stake: the integrity of the largest unprotected roadless area in the lower 48 states.

The strategy: civil disobedience. The price, if you're willing to pay it: lawsuits, beatings, jail. Conscience and conflict in America's forests.

Direct Action:

The Spirit of Cove/Mallard

by

Mike Roselle

I was more than a little discouraged, as many of us were, after witnessing the squabbling at the recent Forest Reform Campaign meeting in La Grande, Oregon. It's nothing new to me. I remember a very similar meeting almost ten years ago in Portland. Only then it was the Spotted Owl, whether to list or not to list. As ridiculous as it may sound today, many of the same folks that argue now against zero cut argued then against listing the Northern Spotted Owl as endangered, even though the most conservative biological surveys confirmed that it was. At that meeting someone representing a national group in Washington stated flat-out that we could never get the owl on the front page of the newspapers. "It's a snail darter, and it will backfire. We don't have adequate grassroots support for the campaign," she said.

That was on a Sunday. On Monday morning I drove to a place that would later be known as Millennia Grove. I reported on the Portland meeting to some of my colleagues, most of whom had been suspended over a hundred feet off the ground since Saturday, on platforms in the oldest known Douglas Firs in the state. Logging there was effectively shut down for the time being. On Tuesday, prominent photos of the action, and a banner that read "Give a hoot! Save the Spotted Owl." appeared on the front pages of several Oregon dailies. The ensuing struggle lasted a year and before it was over everyone in the Northwest knew about Millennia Grove. Even though these ancient trees were eventually felled, Millennia Grove was a turning point in the war to save the Ancient Forests. And the spotted owl has since appeared on more front pages than the Pope.

I thought about this as I drove back to Moscow, Idaho to report on our latest meeting in La Grande to my colleagues at the Cove/Mallard

It is not

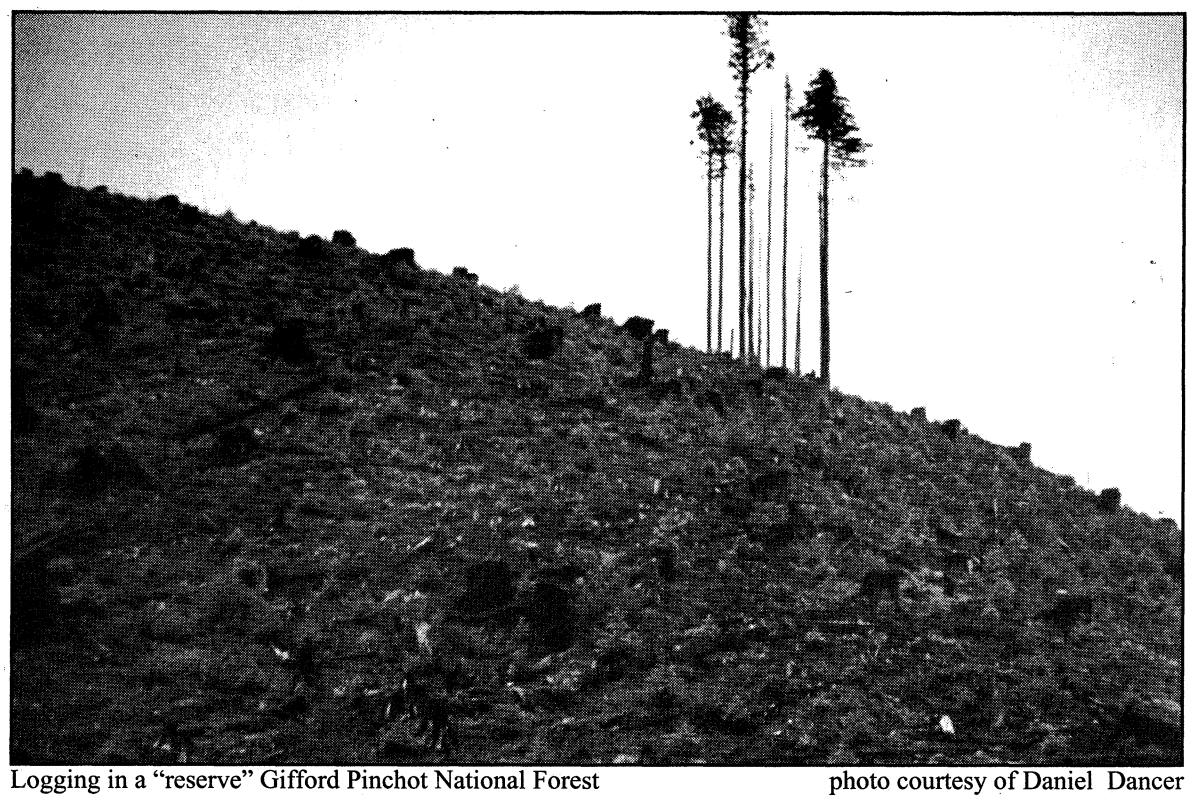
an ideology

or a political posture,

it is a spirit.

And we need

more of it.



Logging in a "reserve" Gifford Pinchot National Forest photo courtesy of Daniel Dancer

Coalition. At one thirty on the following day, we went to a hearing where Megan McNally, an activist who was arrested at a protest on the Noble Road last year, was scheduled to appear for violating the terms of her probation. The Nobel Road is within the Cove/Mallard timber sale area, which was closed to the public by the US Forest Service at the time. McNally had already served 10 days in the Latah County jail for violating a previous judge's order to stay out of the closed area. She had been arrested while monitoring the impacts of road construction. This time, she was before US District Judge Edward J. Lodge in Federal Court on a complaint filed by her probation officer after she had quit her job at a local motel in order to work full time on the Cove/Mallard campaign.

McNally's probation officer argued in court that by not having a paying job, she had violated the terms of her probation. Her attorney, Michael Henegen, argued that she was employed since she was working full time reviewing timber sales and environmental impact statements, doing public education, and leading hikes in the proposed sale area. And, although she received no monetary compensation, Henegen argued that since she received room and board for her work at the Cove/Mallard base camp, she was gainfully employed, was not a burden on society, was serving the community by keeping an eye on the illegal actions of a government agency, and hence was not in violation of her probation. "The court," he continued, "was trying to impose a life-style on her."

All this fell on deaf ears as Judge Lodge ordered her not to live at the base camp, or with any of her co-defendants, and to get a full-time paying job or go to jail for six months.

Megan McNally did not flinch. She looked straight at the Judge. She refused to comply with the Judge's order. At this point the courtroom fell silent. And the Judge blinked. He did not send her to jail at that time, but gave her ten days to comply, or else. This means her next hearing will likely be held as much as a month later. I know Megan enough to know she will not budge from her position. She knows, as we all do, that wilderness needs more defenders. She does not mind scrubbing toilets or working in restaurants, but she will not leave the largest unprotected roadless area in the 48 states defenseless. She will not allow 200 clearcuts to proceed without resistance. She will not ignore the 145 miles of new logging roads slated to shred the wilderness. It is here where she is needed, and she will do the six months in jail rather than abandon her post.

This is by no means an isolated incident. Dozens of young activists just like her have stood up to Judges, the police, the US Forest Service law enforcement officers, and the wrath and sometimes brutal reprisals of the timber industry and its supporters. It is my belief that these courageous young people give our movement some much needed backbone. It is not an ideology or a political posture, it is a spirit. And we need more of it.

Here in Idaho, we have been waging a hard-fought campaign for the last two and a half years to keep the Salmon/Selway ecosystem

McNally did not flinch.
She looked straight at the Judge.
She refused to comply
with the Judge's order.

intact. There have been dozens of arrests, and many of the activists involved have served time in jail for their actions. Many more are on probation. We are now fighting a SLAPP suit *(Strategic Lawsuit Against Public Participation; typically industry-originated suits designed to intimidate and suppress citizen activism)* that has been filed against us by the company contracted by the US Forest Service to build the Grouse and Nobel roads, which dissect an important wildlife corridor in the wilderness we are trying to protect. The pressure is immense, the community here is very polarized, and hardly a day goes by when something about Cove/Mallard does not appear in the newspapers. Last year we were judged the number one news story in the state by the local paper.

So what does this all mean? Polarization and repression are not in themselves a good thing. But sometimes you must approach the edge of the precipice and gaze into the chasm before you can bridge it. Here in Idaho the lines are drawn. Now is the time for constructive dialogue and old-fashioned grassroots organizing. This year we have formed the Cove/Mallard Coalition and are making a serious attempt to dig in for the long term. We are filing timber sale appeals, commenting on Environmental Impact Statements and meeting with representatives of the timber industry to find some common ground.

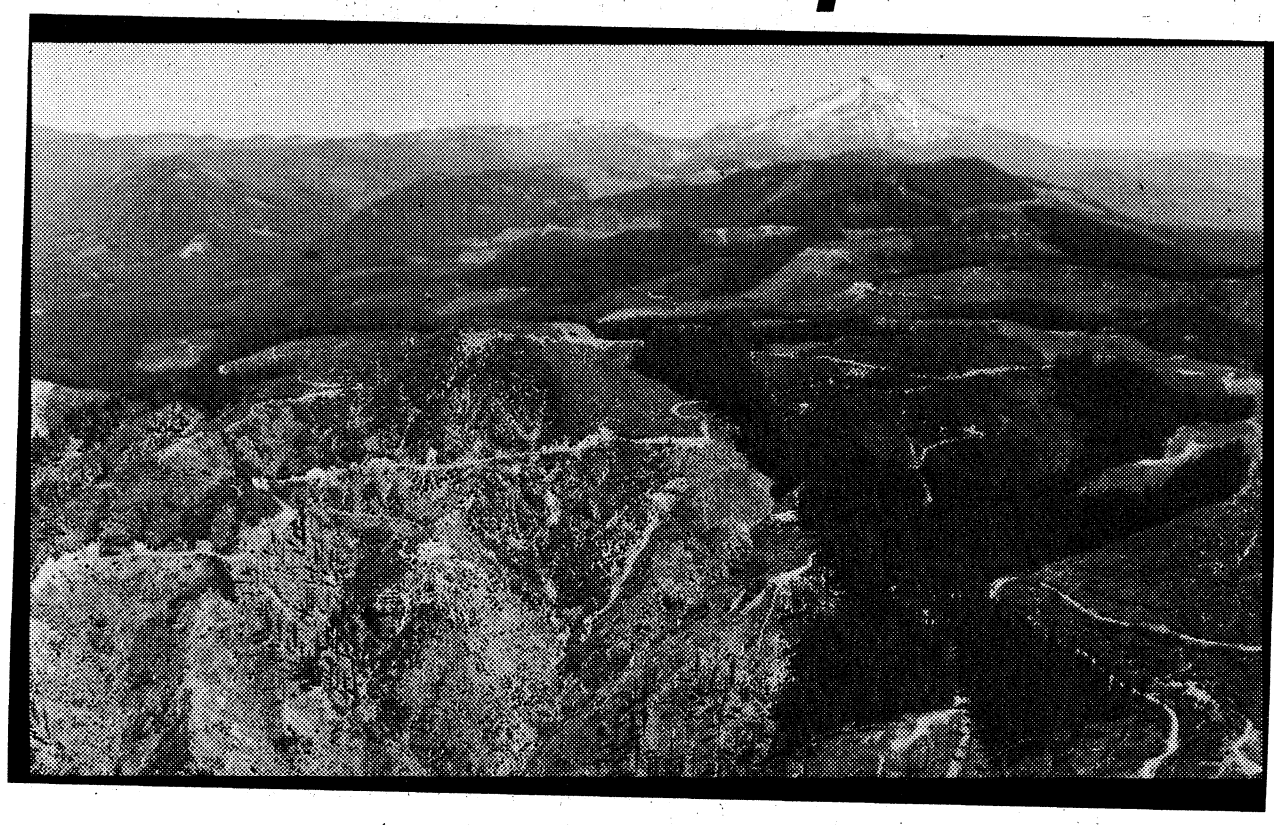
This aspect of the Cove/Mallard campaign is a very important long-term educational process, just as direct action and civil disobedience have been important in dealing with the immediate crisis that comes when a sanctuary is violated. We are not afraid of their jails and high-paid lawyers. We are not afraid of the hostility that some members of our community have expressed toward us. We are not afraid to confront them and to talk to them. We are afraid of losing an irreplaceable part of our natural heritage. We are afraid of complacency and ignorance. We will not sit by passively as the laws of our land are blatantly disregarded by those charged with the responsibility to uphold them.

The timber industry strategy has been to isolate us and brand us as terrorists and tree worshipping pagans. And many of the mainstream conservationists around here have ducked for cover behind their desks like frightened postal workers, which plays right into the industry's hands. But meanwhile we are finding new allies in the most remarkable places. Retired people, Native Americans, Forest Service employees, small business owners and many others who have in the past watched this tragedy unfold from the sidelines are now standing up and being heard. That is what this campaign is really all about.

The Cove/Mallard Coalition (CMC) is dedicated to the preservation of the Cove Creek and Mallard Creek roadless areas in the Nez Perce National Forest and is currently involved in the third year of a last-ditch campaign to stop timber sales scheduled there. After hundreds of activists had been arrested blocking road building and logging, a federal judge has temporarily halted further work on the sales. CMC publishes a newsletter and action alerts. To become part of the coalition or to receive more information, please contact CMC at PO Box 8968 Moscow, ID 83843, Phone (208) 882-9755 FAX 883-0727.

Mike Roselle has been involved in native forest issues for over fifteen years as a grassroots activist. He is a co-founder of both Earth First! and the Rainforest Action Network and is currently director of the newly formed Cove/Mallard Coalition. Roselle is also a member of the Board of Directors of the Missoula Ecology Center and writes a regular column for the Earth First! Journal.

Can America Trust Its Own Government To Obey The Law?



Willamette National Forest in Oregon.
Mt. Jefferson in background
Photo by Tim Hermach.

The Record On National Forests Says, NO.

Although it's your forest, the Federal Government broke one law after another as it permitted the record logging and liquidation of our national forests – at a cost of BILLIONS of dollars to the owners, citizens and taxpayers. Today, only 5% of America's virgin forests remain, of which very little is protected on national parks, reserves and wilderness areas. Most of our unlogged forests are located in the national forests, where politics runs over common sense every day.

In 1991, 12 groups won a court injunction that banned logging in federal forests in Oregon, Washington and California. The legal issue for their injunction was the systematic refusal of the Government to obey the nation's environmental laws. Specifically, the failure to care for or manage the forests without causing species to become endangered or extinct. The questions driving the forest wars run much deeper than any species.

Questions such as:

Who owns the forests, industry or people? Do they provide priceless, irreplaceable, life-sustaining benefits? And what are they worth to all the creatures on our planet?

What is the condition of the nation's public forests, watersheds and fisheries now?

How much – if any – of the public's national forest will be left alive when the old-growth logging jobs are gone?

Who decides if the government has stopped acting illegally and submitted a legal forest plan – the government itself, or the independant judiciary?

How much unfinished wood is being exported and how many jobs are lost as a consequence? And what are the national economic impacts?

Today, 11 of those plaintiff organizations are standing back from the court battle, giving the Clinton Administration and the US Forest Service leeway to implement its notorious Clinton forest plan, Option 9.

If America's old-growth and native forests were threatened by a foreign power, the might of the US government would be mustered to defend them. But now, when those same forests are under attack by the timber industry, the government and the Forest Service, the national and other plaintiff "environmental" groups look the other way for political and tactical reasons.

The Native Forest Council has asked the Court to decide one issue before it opens the door to more cutting of our remaining unlogged national forests: tell the people if the government is still breaking the law of the land. Only when that question is answered can a real debate begin on the future of the forests.

We believe:

that public old-growth and native forests are worth far more intact and alive than cut down.

that the forests are not the property of the government, the Forest Service or the timber industry – but of unborn generations of Americans, for whom healthy forests, clean air and water will be increasingly valuable assets.

When the timber barons look at an old-growth forest, they see idle inventory. When we look at them, we see living natural benefits with an economic value that can never be properly measured. For us, it's like asking someone to put a price tag on our children's lungs.

President Bill Clinton 1myt4532
The White House
Washington, DC 20001

Please withdraw your support for the Northwest Forest Plan, Option 9, today. "We" have already lost 95% of "our" native forests. America and Americans cannot afford to lose any more of what "they" own in "our" national forests. Please reopen discussions toward truly innovative solutions now. Thank You.

Name_____
Organization or Business_____
Address_____
City_____ State_____ Zip_____
Phone/fax_____

Please support us in our efforts to make the government obey the law, so that a fair discussion of the value of the forests can begin, and the political games can come to an end.

Native Forest Council
Protecting public forestlands

Native Forest Council 1myt4532
P.O. Box 2171
Eugene, OR 97402

I support your efforts to save our national forests.

☐ Please send me more information about the plight of our native forests.
☐ Please sign me up as a member of Native Forest Council. My annual membership of $35 is enclosed (outside U.S.-$60). Thank you.

Name_____
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Your help is needed! Around the nation our children's heritage is being destroyed.

This full-page ad appeared in the Western edition of ***The New York Times*** on May 31, 1994. It is part of our effort to counter the multi-million dollar "don't worry, keep cutting" media blitz by the timber industry. It is critical that the industry's misinformation campaign is challenged and rebuked. **Please help the Native Forest Council place this and other hard-hitting ads in newspapers and magazines throughout the country.** To help with ad placement call or write: The Native Forest Council, PO Box 2171, Eugene, OR 97402, (503) 688-2600.

Point /

The Washington Post published the following editorial praising environmentalists for their "accommodating posture" in supporting an administration request to lift the 1991 injunction against logging on Northwest federal lands. The Native Forest Council opposed the lifting of the injunction and disagreed with the conclusions of the editorial. Executive Director Tim Hermach's response appeared in the ***Post*** ten days later.

The Washington Post

AN INDEPENDENT NEWSPAPER

Forest Maneuvers

June 3, 1994

The Clinton administration has asked a federal judge in Seattle to lift an injunction of three years' standing and let logging resume on a limited basis in federal forests in the Northwest. The environmental groups whose lawsuit led to the logging ban in 1991 don't like some aspects of the administration's proposed new plan; they want it tightened. Most of them nonetheless are not objecting to the lifting of the injunction. Instead they will come back and try to tighten the timbering plan around the edges later.

Partly they have adopted this accommodating posture for political reasons. They fear they would lose if they took the harder line, that the judge would be unlikely to go along with them and that if he did and extended the injunction, Congress might well step in and change the underlying law. The groups are taking a certain amount of heat from some of their brethren for "selling out" like this. Our own, contrary sense is that maybe the environmentalists are finally learning how to win.

Judge William Dwyer issued the logging ban because of what he found to be a "deliberate and systematic refusal" of the executive branch--then the Bush administration--"to comply with the laws protecting wildlife" in the forests. The policy was to let the industry log. If instead the law was to be observed and the logging was to be limited, someone else--the judge--was going to have to take the political heat for it. An administration devoted to law and order in so many other circumstances was in this case going to sit on its hands.

The Clinton administration has come up with a plan for much less logging. Most of the old-growth federal forest--the fragment of the forest that remains, that is--would be preserved. So would the threatened wildlife within it, whose celebrated proxy has been the reclusive Northern spotted owl. The administration says the plan is scientifically based and well within the area of discretion set by the law.

The critics complain that 20 to 30 percent of the remaining old-growth forest would still be open to logging, that the owl and other threatened species would remain at risk or near enough to justify further protection and that the runoff from logging under the plan would continue to damage salmon and other spawning areas. They want the judge to order the plan made more protective in those respects--but in the meantime would let the logging resume.

That's reasonable. Environmental disputes as complex and bitter as this will never be settled to the total satisfaction of any side. But the administration seems to have come up with a plan that meets the tests of both pretty good policy and the law. That, too, is what the acquiescent position of the environmental plaintiffs should be taken to signify.

Counterpoint

Logging Must End on Public Lands

by Tim Hermach,
Executive Director, Native Forest Council
***The Washington Post*, June 13, 1994**

In its editorial "Forest Maneuvers" (June 3, 1994), *The Washington Post* proclaims that the Clinton Forest Plan for the national forests in the Pacific Northwest is "reasonable" and that environmental groups willing to embrace its compromise provisions are "learning to win." The *Post* suggests that environmental hold-outs should join the groups collaborating with the Clinton Administration to lift Judge Dwyer's injunction and let old-growth logging resume--in the same forests that have already been devastated by three decades of illegal overcutting.

Sadly, despite our best efforts, Judge Dwyer agreed to lift the injunction, although he did not pronounce the plan legal. As of June 7, 1994, portions of the last 5 percent of America's irreplaceable native forests are going on the auction block. Once again, lowest-common-denominator compromise will sacrifice what is priceless for what is expedient. Call us unreasonable, but when 95 percent of something is gone, and we cannot even save the last 5 percent, that hardly looks like winning to us.

Willingly abandoning the injunction was simply wrong because the Clinton Forest Plan literally does not protect a single acre. Not one tree is inviolately exempt from logging. Healthy stands of ancient forest can be clearcut even inside so-called "reserves" because the plan provides the usual loopholes. Salvage, thinning, meadow enhancement and other logging euphemisms will continue to be used by the Forest Service as they have been in the past. Even arson is rewarded under the Clinton plan's salvage provisions. Since the courts, and more recently the non-partisan Center for Public Integrity, found that the Forest Service is an outlaw agency, there is every reason to believe that our national forests, water, salmon, and hundreds of forest-dependent species will continue to be degraded and destroyed. Science tells us the forest ecosystem is on the verge of collapse. At this point the only "reasonable, balanced, and legal" solution is to end all logging on public lands.

The plan is a clever package of abused science and public-relations jargon like "ecosystem-management." It is based on the absurd premise that additional owl habitat can be destroyed, and populations can continue to decline, because we will grow more ancient forest in the future. Of course that takes hundreds of years and no civilization has ever done it before.

While we wait, future administrations are under no obligation to abide by the plan's provisions. Without permanent, inviolate protection, it is not difficult to picture President Clinton (who has been known to occasionally rise above principle), or his successor, reopening public forests to full and relentless exploitation. Eco-babble notwithstanding, the plan is still illegal. The government should have the burden of proving it is not, and mere allegations of compliance should have been insufficient to lift the injunction.

Meanwhile, the solution to the timber supply issue sits on the export docks. According to the U.S. Department of Commerce, unfinished wood export volumes are ten times higher than the level of logging permitted under the Clinton plan. These exports should be diverted to increase value-added manufacturing jobs here at home. The plan is silent on exports while at home American resources, like that of a third world nation, are shipped overseas for the benefit of others.

Getting one million board feet of timber to the export docks employs four workers domestically. Japan reports employing 60 to 80 people producing finished goods with the same material. By what standard of "reason" should Americans tolerate such economic idiocy?

During the 1980's the Forest Service lost $5.6 billion on public timber sales. American taxpayers have been subsidizing the destruction of their own national forests. But that doesn't even begin to accurately account for the total cost to the public. A fully calculated cost/benefit analysis--one that does not simply externalize costs: the cost of increased flooding, decimated fisheries, lost recreation opportunities, fouled water, and resource replacement costs--would show that we are liquidating trillions of dollars of public assets for a fractional return. Is it "reasonable" to compel people to pay for the destruction of their own property?

Those quick to compromise always say its necessary, but 100 years of environmental compromise have served us poorly. Ninety-five percent of our native forests are gone. Much of our air and most of our surface water is polluted. Major fisheries are in decline. Fifty percent of our nation's wetlands are gone; 99% of our high-grass prairie is gone; 70% of our nation's topsoil is gone or contaminated; 70% of our ground water is gone or polluted. And, according to the EPA's Toxic Release Inventory, each year industry releases 500 billion pounds of toxins and hazardous substances into the environment. Some record of accomplishment. Stop us before we "win" again.

Compromise is only acceptable when there is a common base of agreement. There is no agreement on the necessity or desirability of cutting the last of America's native forests.

Rather than concentrate on squeezing the last drops of blood out of the resource turnip, the plan should address how forests, watersheds, and fisheries will be restored and how we can return to biologically sustainable forestry practices on private lands.

Much has been written about the need to get forest management out of the courts and back in the hands of "professionals." As long as laws continue to be circumvented and ignored, nothing could be less desirable. The industry prefers to keep the issue out of the courts because the American system of checks and balances threatens its monopolization of public lands and challenges its outrageous assumption of entitlement.

We look forward to the next round of challenges to the Clinton plan which Judge Dwyer will hear in September. If we lose, let it be on legal grounds, not as a by-product of shameful compromise and "reasoned" capitulation. The time for "balance" and compromise has long passed. Logging must end on public lands. The honest solution is Zero Cut.

Day In Court

The Native Forest Council testifies before Judge Dwyer

by Victor Rozek

- Environmentalists collaborate with administration to let logging injunction expire
- NFC intervenes to maintain injunction
- Analysis of Dwyer's decision and new lawsuit filed by the NFC

Lawyers will try to convince Judge Dwyer that this time the government has a plan to do what the court directed it to do over three years ago: obey the law.

May 31 is an overcast day in Seattle. Standing at my hotel room window, I can just see the Federal Court House to my left. It is a six-story, white, rectangular structure, void of ornamentation, resembling other government buildings of its generation.

This morning, on the fifth floor, U.S. District Judge William Dwyer will oversee the next installment of the drama that has become symbolized by an obscure owl indigenous to the native forests of the Pacific Northwest. Eight attorneys have gathered to argue for and against the lifting of the injunction that has effectively stopped logging on 11 million acres of public forestland across three states. Much of that land had already been subjected to industrial forestry, and what native forests remain are badly fragmented.

The courtroom is imposing, appointed in elegant hardwood with windows stretching almost to its 20 foot ceiling. The judge sits on a dais which spans nearly the entire front of the room. Behind his chair is a large green studded door ornately framed in wood above which a four-foot seal of the United States District Court crowns the courtroom. Attorney's tables are placed a good 18 feet away, reverentially removed from the seat of judgement. A short railing divides observers from litigants. There are five split rows of bench seats in the viewing area. I sit in the front row admiring the jurist who has become to the forests what Jeanne D'Arc was to France.

Five attorneys representing environmental plaintiffs gather, perhaps symbolically, on the left; three government lawyers resplendent in state-issue dark grey pin-stripe suits, huddle on the right. Lawyers from the Justice Department and the Department of Agriculture will try to convince Judge Dwyer that this time the government has a plan to do what the court dictated it to do over three years ago: obey the law.

On this particular day in court, the key issues will revolve around process, not content. That is, in developing its management plan, has the government adhered to the processes defined in the National Environmental Policy Act (NEPA)? Is the plan legal, and when should its legality be determined? Which side has the burden of proof?

Even before the government begins to testify, Dwyer asks if it is the government's position that "federal defendants could satisfy the injunction just by going through the procedural steps and adopting a new plan, even if the plan violated the substantive requirements of the National Forest Management Act and its implementing regulations?"

The government's attorney ignores that question for the most part. He argues that the injunction should be dropped because Option 9 resolves the issues that precipitated it, and it should therefore be allowed to move forward.

The state's case is based on the following arguments:

- The government should have limited obligation to prove compliance. Timber sales not threatening to the owl should be allowed to move forward.

- The Forest Service and Bureau of Land Management will provide 30 days notice of impending timber sales which can be individually appealed.

- The government has satisfied its burden. There is no proof that the plan is not legal and not in compliance with the National Environmental Protection Act.

- New issues and challenges to Option 9 have been brought forward that are "very far afield" from the original complaints and should be proven separately before a new injunction is issued.

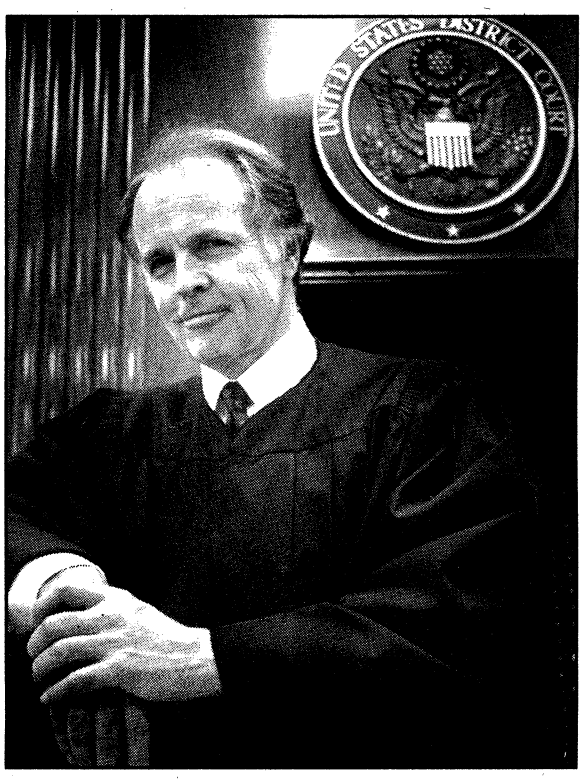
- Forty-three claims in six separate actions have been filed against Option 9, the Record of Decision (ROD), and cannot be resolved in these proceedings.

- Eleven of twelve plaintiffs have already agreed to drop the injunction.

Dwyer then turns his attention to the plaintiffs and asks them to explain the logic of letting the present injunction expire while seeking a new one. It is the question which divides the forest activist community, a strategic self immolation.

Todd True, the Sierra Club Legal Defense Fund attorney who originally won the injunction, and under whose leadership it is now judged expendable, testifies he convinced eleven of his clients to let the injunction expire because "we did not want to litigate the merits of the claims against the new ROD (*Option 9*) and EIS (*Environmental Impact Statement*) in the foreshortened and speedy context of the government's motion to dissolve the existing injunction." True further reasoned; "We

The government argued that 11 of 12 plaintiffs had already agreed to drop the injunction.



U.S. District Judge William Dwyer

believe that the government will not be moving forward with a great number of timber sales in the next 90 days or so..."

The Forest Service disagrees. It estimates it can sell 45 million board feet of timber in spotted owl habitat during those three and a half months. Why the government should sell any timber at all, is not clear. True verifies that his clients plan to seek another injunction while the merits of Option 9 are litigated. But a new injunction is not a certainty. The benefits of walking away from the existing injunction are unconvincing because, as evidenced by the hearing, it is possible to both oppose the lifting of the injunction *and* litigate the merits of Option 9 separately.

Peggy Hennessey, representing Save the West and the Forest Conservation Council, the only one of the original plaintiffs who did not collaborate with the government to let the injunction expire, was next to testify. She argues that the ROD must be legally defensible; that is, in compliance with environmental laws, and that compliance must be determined by the court before more timber can be sold.

Ms. Hennessey rejects defense notions that it is up to environmentalists to prove the plan is illegal. She maintains that it is the government's burden to prove compliance and that mere allegations of compliance are insufficient. She accused the government of failing to provide a "reasoned analysis and response" to new scientific evidence of accelerated owl decline which was ignored in the ROD. The defendants, who readily admit there will be a decrease in owl population during the plan's "transition period," had not, Hennessey said, "cured the defects" identified in the original suit, and the injunction should therefore remain in place until summary judgement.

Ms. Hennessey also cited aquatic species violations, and the failure to evaluate the cumulative impacts of logging on forest-dependent species. Additionally, the ROD rejected water quality standards recommended by scientists during the drafting process. Hennessey concluded that the lifting of the injunction would allow the resumption of logging which could potentially push species over the threshold of extinction and would therefore preempt alternative management options.

The Native Forest Council was represented by John Karpinski. Of all the attorneys Karpinski was the most animated and impassioned presenter; less formal and therefore less tedious than his government counterparts. He described the process by which the ROD was developed as "process light" and the protection it accorded as "protection light." In what was surely a novel observation in a judicial system often more concerned with loopholes and technicalities than truth, Karpinski said the injunction should be kept in place because it is the right thing to do.

He said the injunction is important because it established a precedent. When environmentalists sue the government they have the right to expect the government will "do it right," he said, not just "do it again." When an entire ecosystem is at stake, doing it again may not be possible and is certainly not prudent. Therefore the injunction must be kept in place until the government can prove it is, in fact, doing it right.

Karpinski further observed that from his readings of Judge Dwyer's previous decisions, the Native Forest Council's request was consistent with the court's directive that compliance must be proven. The defendants have that burden, he argued, not the plaintiffs, and no proof of compliance has been offered. Thirty-three pages of objections to Option 9 have already been filed with the court. Since irreparable harm to the forest, the owl, and other forest-dependent species is probable, the injunction should remain in place.

While "burden of proof" continued to be batted between plaintiffs and defendants with all the attraction of a radioactive fuel pellet, Dwyer suddenly grabbed it and seemingly dropped it in the government's lap. He asked why the government couldn't request the approval of individual timber sales while the injunction remained in place?

The Justice Department lawyer, a man about half Dwyer's age, got sufficiently flustered that he started lecturing the judge about the nature and purpose of an injunction--not the most astute strategic move. Dwyer listened patiently, but just as the rambling discourse wound down, it suddenly reignited. Earnest and condescending, the lawyer continued stepping in the mess he created.

The clock, however, was his enemy--or perhaps his salvation--and Dwyer recessed the proceedings to contemplate his decision. That decision would come on June 6, 1994. It was, on the surface, not the decision we wanted, but key elements of the ruling make it unlikely that the government will move much, if any, timber. Dwyer is no one's fool.

The Bad News

Dwyer noted in his decision that the government's motion to dissolve the injunction "is unopposed by Seattle Audubon Society and ten other plaintiffs." He said that "the 1994 ROD and FSEIS (*Final Supplemental Environmental Impact Statement*) are much different from those presented earlier. (*Which were rejected by the court as inadequate.*) Whether they comply with NEPA and NFMA remains to be determined. The question is whether the 1992 injunction should remain in force while that is being litigated."

"On the motion to dissolve an injunction," continued Dwyer, "the issue is whether the defendants have properly performed their obligations under the injunction." Dwyer felt that they had, at least under the provisions of NEPA. "The defendants here have shown that the three NEPA violations identified in the 1992 order are either moot or have been cured," he noted. "The legality of the new plan should be tested in proceedings directed to it, without the presence of an injunction whose purpose has been served. To proceed otherwise would reverse the burden of proof placed by law upon those who challenge the legality of agency action." With that observation, Dwyer lifted the injunction.

The Good News

But in doing so, Dwyer seemed to invite further challenge to Option 9, and made it difficult for the government to abuse the window of logging-opportunity between the lifting of the old injunction and the possible imposition of a new one.

Dwyer was explicit in stating that while he was lifting the injunction, he was not ruling on the legality of the government's forest plan. "This order does not constitute a ruling one way or the other on the legality of the 1994 plan. All

Judge Dwyer asked the plaintiffs to explain the logic of letting the present injunction expire while seeking a new one.

The Native Forest Council's suit expands the scope of the original complaint.

parties," he said, "are free to challenge the legality of the new ROD and FSEIS, and to seek preliminary and permanent relief with respect to them." The Native Forest Council will do both.

Further, Judge Dwyer ensured that the government could not sell timber without the opportunity for legal challenge. "At the May 31 hearing," Dwyer observed, "government counsel proposed that the Forest Service and Bureau of Land Management be required to provide at least thirty days' advance notice in writing to all parties and counsel in these cases before any new (not previously awarded) timber sale is auctioned that would log suitable habitat for the spotted owl. That proposal is hereby adopted, and the federal defendants are directed to provide notice accordingly in all such instances, pending further order of the court."

While the order is not explicit on the point, the practical effect of the notice provision is to give the plaintiffs an opportunity to challenge any new sales in court and delay their implementation. In outcome, this may prove to be a form of injunction by another name.

Finally, the order establishes a tight timetable for adjudicating the legality of the government's forest plan in the new suits that the NFC and others have already filed. Arguments on motions will be heard in mid-September. Environmentalists hope to delay timber sales until the legality of the plan has finally been determined.

New Lawsuit Filed

The question of the plan's legality will be challenged by both the environmentalists and the timber industry. The Native Forest Council's suit expands the scope of the original complaint. The focus on owls shifts to all forest-dependent species; the concern for late-successional old-growth forests expands to all public forests including plantations which are critical to the survival of aquatic species; the emphasis on salmon now encompasses the welfare of all other aquatic species.

The suit alleges that the government plans "to continue logging intact and remnant native forests within the range of the northern spotted owl: (a) without adopting a plan that assures the viability of the owl and other species that are dependent on these forests for their survival, including, but not limited to, anadromous and resident fish; (b) without adequately assessing the environmental consequences to the owl, fish, and other species, and water quality of continued logging of intact and native forests; and (c) without adequately disclosing the economic effects--including the economic benefits--of protecting these forests from further logging."

The suit lists a number of omissions and fallacies on which the government based the development of Option 9. The fallacious premise underlying the recommendations of Option 9 is that even though timber sale levels during the 1980s were excessive, violated a number of environmental laws, and put numerous species at risk of extinction, the government nonetheless "uses the height of this period of illegal timber sales as a baseline by which to evaluate the economic costs of protecting the remaining public native forests." By failing to consider the scarcity of remaining native forests, and "solely measuring the economic impacts of forest protection against an illegal baseline improperly exaggerates the costs of protection."

Further, the NFC contends, a number of critical economic factors were either ignored or only superficially studied. These include: "the economic value of the forest, alive and standing; the role of timber exports in contributing to the economic dislocation in the industry; the economic value of the role native forests play in flood, climate, and weather control; the value of the forests' contribution to the safety and purity of drinking water; and the various recreation values presented by each of the alternatives."

Finally, the suit charges that critical scientific evidence was ignored or suppressed. The government "failed to consider the cumulative impacts of logging on private and state lands on the forests, and consequently on the northern spotted owl, fish, and other species." In fact, "viability panelists...were instructed to ignore the cumulative effects of federal and nonfederal actions in their assessment of [*species*] viability."

Scientists had, in fact, concluded that "...the best evidence regarding the spotted owl's population dynamics compels protection of the species' remaining suitable habitat in order to assure its viability." That concern was expressed in a letter to Dr. Russell Lande, who published a conservative estimate of the old growth habitat loss projected under Option 9. "We are struck by your statement," the scientists said, that "'up to one quarter of the remaining old growth forest is not protected and is subject to logging under Option 9...' If this statement is true, then this must certainly be against any rational interpretation of the results of the December workshops. We are somewhat stunned by this issue and must hope that your figures here are mistaken."

It is clear that for scientific, economic, and ecological reasons, the government's plan remains inadequate and illegal. Option 9 is a political solution, cloaked in misapplied science and clever public relations. The NFC believes it will not stand the light of legal scrutiny.

For industry, the courts remain a problem. Old strategies which essentially purchased Congressional loyalties are not easily transferable to the judiciary, since lobbying activities quite legal in Congress are punishable as bribery when targeted at the courts. Industry would prefer to kick the issue back to Congress where the legislature has proven easy to grease. Nearly $6 million dollars were passed directly to Congress by the timber industry in the last eight years--and those are just the reported numbers and do not include the limitless horizon of so-called soft money. But influencing a federal judge who is appointed for life and is therefore free of re-election concerns, is quite another matter. What industry money has been able to accomplish for decades in Congress, abruptly stopped at the doorstep of a white, boxy Federal Court House in Seattle.

It remains our best hope.

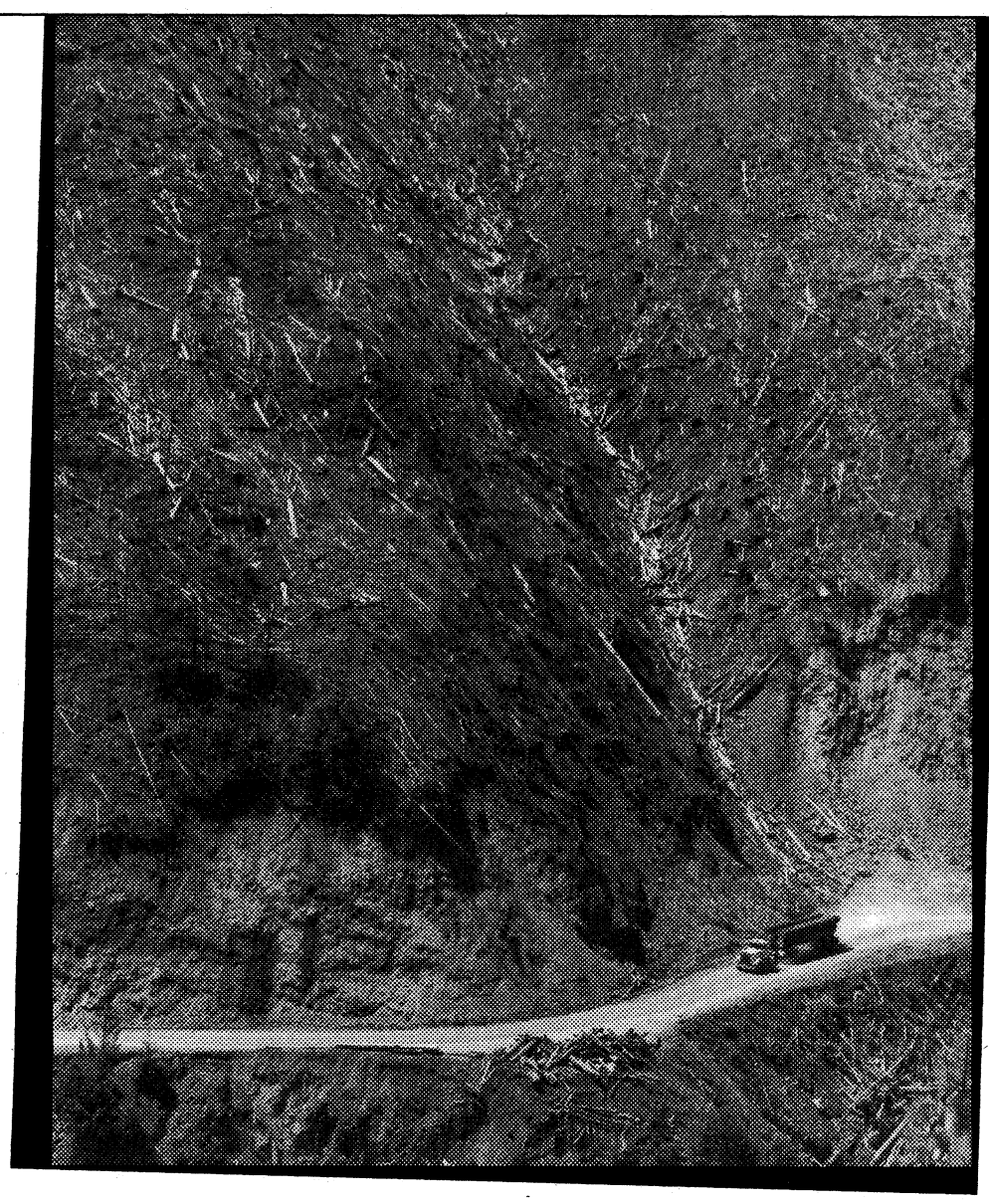


Photo
Michael Williams

Not Since The Vikings Have People Raped, Plundered, & Pillaged With Such Abandon

Our current "civilized" approach to the forest issue is anything but.

While citizens fight to save the last 5% of old-growth and native forests for future generations, timber companies continue to mow them down. Now, scenes like this are an inevitable part of any trip to the National forests of the western United States.

Some would have you believe that it's a matter of jobs versus trees. The truth is that while the pace of logging has increased in the past several years, employment in the industry has declined. This is the result of mechanization replacing human labor and the increase of raw timber exports sending both trees and jobs overseas. The only ones who will profit from the continued logging that the Montana Bill and Clinton Plan allow are the logging company executives and the politicians whose pockets they line. Further, if logging continues, the reality is there will be no jobs because there will be no native old-growth trees left to cut.

Politicians talk of compromise, but the compromise has already taken place.
Only 5% of our nation's native forests remain. The Montana Bill and The Clinton Plan must be stopped.
Zero Cut is the only solution for what's left of your public lands and National Forests.

Let's do what's right for all involved.
Contact the Native Forest Council at 503-688-2600
or P.O. Box 2171, Eugene, Oregon 97402
and help save what belongs to us all.

President Bill Clinton
The White House
Washington, DC 20001

1nyt14533

Please withdraw your support for the Northwest Forest Plan, Option 9, today. "We" have already lost 95% of "our" native forests. America and Americans cannot afford to lose any more of what "they" own in "our" national forests. Please reopen discussions toward truly innovative solutions now. Thank You.

Name_____
Organization or Business_____
Address_____
City_____ State_____ Zip_____
Phone/fax_____

ZERO CUT.
ON THE PUBLIC LANDS
Native Forest Council
Protecting public forestlands
IT'S YOUR FOREST!

Native Forest Council
P.O. Box 2171
Eugene, OR 97402

1nyt14533

I support your efforts to save our national forests.

☐ Please send me more information about the plight of our native forests.
☐ Please sign me up as a member of Native Forest Council. My annual membership of $35 is enclosed (outside U.S.-$60). Thank you.

Name_____
Organization or Business_____
Address_____
City_____ State_____ Zip_____
Phone/fax_____

Your help is needed! Around the nation our children's heritage is being destroyed.

This full-page ad appeared in the Western edition of ***The New York Times*** on June 14, 1994. It is part of our effort to counter the multi-million dollar "don't worry, keep cutting" media blitz by the timber industry. It is critical that the industry's misinformation campaign is challenged and rebuked. **Please help the Native Forest Council place this and other hard-hitting ads in newspapers and magazines throughout the country.** To help with ad placement call or write: The Native Forest Council, PO Box 2171, Eugene, OR 97402, (503) 688-2600.

The Incredible Shrinking Forest Protection Campaign

by Victor Rozek

The meetings were inspired by the prospect of major funding dangled seductively--but always just out of reach.

On June 16 forest activists from around the country gathered in La Grande, Oregon for the 8th annual National Forest Reform Rally. Scraping away the complexities, we basically gathered because in spite of eight years of rallies, the national forests stubbornly resist reformation.

In truth, much of the real work took place the day before the conference when activists attended the fourth in a series of meetings held across the country to grind out agreement on the specifics of a National Forest Protection Campaign.

The meetings were inspired by the prospect of major funding dangled seductively--but always just out of reach--by Pew Charitable Trusts. Release of the funds remains predicated on compliance with some reasonable expectations that Pew harbors around investing major monies with a rag-tag group of grassroots activists. Not surprisingly, Pew wanted (a) to be sure we knew what the hell we were doing, which we could demonstrate by submitting a comprehensive campaign proposal, and (b) agreement among participating activists on the focus and goals of the campaign.

But in spite of all the meetings, the endless debate, the selection of an interim board, months of effort leading to a series of draft proposals, and the saintly leadership of Andy Mahler of Heartwood in Indiana, for all practical purposes we have not met either expectation.

Instead we've produced a behemoth 45 page document full of executive summaries, project overviews, organizational structures, action programs, and budgets. What does not yet exist is agreement on what the campaign should accomplish. In its place is something called "The Seventeen Points." Call it an activist's wishlist, a buckshot load, each pellet quixotically aimed at a different target: one to protect roadless areas, another for critical watersheds, another to reform the Forest Service, another to restore biodiversity, another to reduce paper and wood use, and yet another to promote sustainable forest communities.

But the targets are ill-defined: one man's roadless area is another's silvicultural opportunity. One week the participants agree to absolutely, positively stand against further logging in roadless areas; the next, some embrace the Montana Wilderness Bill that releases several million roadless acres to the saw. Even at this late date, it is not clear whether "The Seventeen Points" are an agreement in principle, or in practice.

Regardless, the problem with having seventeen swell, but poorly defined ideas, is that it would take a millennium to implement them;

What exists is a behemoth 45 page document... What does not yet exist is agreement on what the campaign should accomplish.

and given the attention span of a sound-bite pummeled public, the best we will likely be able to do is introduce point two before the click of the channel changer is heard throughout the land.

Many of us believe there is a simple solution to that dilemma: Zero Cut. The message is simple, clear, unambiguous. It requires no interpretation, no selective enforcement, no studies, research areas, or sacrifice zones. Perhaps most important, from the standpoint of a public education campaign: it don't require no Ph.D. in eco-babble to understand it.

From the two meetings I have attended (in San Francisco and La

The targets are ill defined: one man's roadless area is another's silvicultural opportunity.

Grande) it is clear that the vast majority of activists favor a Zero Cut-type campaign. Judging by the results of a straw poll taken at La Grande, and from conversations with activists throughout the nation, there is little enthusiasm for the campaign as presently scripted.

Consensus is the culprit. Early on, activists meeting to develop the campaign agreed that consensus--not majority rule--would be the standard for agreement. All well and good, except evolving consensus among the infallible (activists believe themselves endowed with a Pope-ish infallibility in matters

It is unclear whether "The Seventeen Points" are an agreement in principle or in practice.

environmental) is roughly equivalent to herding cats. At best consensus produced a lowest-common denominator baseline: an uninspiring starting point lacking an agreed upon destination and method of transport.

Thus, the national forest reform movement now hangs suspended between the silviculturist-conservation biology axis and the Zero Cutters. ZCers have accused conservation biology's disciples of advocating the use of chainsaws as a pharmaceutical tool to heal the forests. Decidedly, a rhetorical exaggeration. CBers counter that none among us is wise enough to understand the proper biological remedies for every national forest in the nation. Point made. They conclude that Zero Cut may not be the proper solution across the landscape, and that logging in selected cases is necessary to improve forest health. Further, some CBers express sympathy for rural communities in areas of the nation where public-land alternative timber simply doesn't exist. In such places, they would permit the continued logging of native forests.

Whether man or nature should heal the forest is a point of legitimate debate. Zero Cutters could support

It is clear that the vast majority favor a Zero Cut-type campaign.

limited logging in tree plantations for the purpose of restoring biological diversity--if someone could be trusted to do it--but not in stands of native forests. Here the disagreement widens, stretched by ZCer's suspicions of the Forest Service's new-found concern for forest health. Over the last few years, since court injunctions have slowed the proponents of plunder, about half of all timber sales have become "salvage" sales. This sudden concern for the health of the forests has been no less destructive than the former lack of concern. Zero Cutters fear the lessons of history which demon-

Distrust is perhaps the biggest hurdle. Its origins are both organizational and personal.

strate that any opening, however slight, can be stretched to indulge log truck traffic.

An accommodating solution to the national forest reform movement's dilemma would be to adopt Zero Cut as the umbrella position for the campaign, while allowing limited regional interpretation and application. If exceptions to Zero Cut arise, solutions should be determined scientifically, but an entire campaign should not be based on an exception. Regardless, disagreement persists and the clock is ticking.

Meanwhile, it appears that Pew has lost both enthusiasm and patience with this dysfunctional dance. The multi-year campaign, originally boasting an optimistic $11 million budget, was cleaved at Pew's insistence to $6 million, then three, then one. Now we hear that Pew is only willing to fund a modest one-year effort with no money for media, and no money for litigation. What's left? Perhaps a sub-$100,000 development grant so that we can add more pages to the already-bulky campaign document. And even that level of commitment is not certain. It's hard to restrain one's excitement.

As a measure of how bizarre things have gotten, some activists actually believe that Pew Charitable Trusts is traveling throughout North America replicating this disaster. They charge that Pew is tempting activists with promises of funding then, through consensus, forcing them to adopt weak, ineffective postures thus plucking their green innocence. Similar Pew-sponsored processes have apparently inflamed activists in Alaska, British Columbia, the Southeast and the Southwest. Conspiracy theories notwithstanding, Pew is not the enemy for sitting out this grassroots tango. I have seen the enemy and he is clearly us.

The reason so little has been accomplished after so much time

Participants erupt like poison oak demanding to be scratched.

and effort, is that the meetings are almost clownish in their disarray. During both of the ones I attended, one full day of each meeting was wasted arguing over the agenda! Process skills are in short supply; meetings are not directed, but float on a bore tide of individual passions. Participants erupt like poison oak demanding to be scratched. A native distrust compels activists to seek consensus on each bit of minutia which transforms minutia into mountains thus strangling progress.

Distrust is perhaps the biggest hurdle. Its origins are both organizational and personal. Grassroots groups do not trust the nationals. They feel that the nationals often sell out to the unquenchable demands of political reality. The nationals, in turn, feel unappreciated, weary of criticism.

Meanwhile, it appears that Pew has lost both enthusiasm and patience with this dysfunctional dance.

Grassroots activists who advocate no compromise, accuse the negotiators of compromising. Those willing to deal, resent the righteousness and self-anointed moral superiority of the purists.

But the deepest wounds are personal. It is plain from my observations that a number of activists have been profoundly and personally wounded by the rhetoric, the accusations, and the disparagement by their colleagues. Their pain erupts as anger at these meetings and produces a near manic refusal to move--even slightly--off of an entrenched position.

I have witnessed an appalling lack of respect shown by activists toward one another, and a stunning ignorance by the young of the social and political attitudes which

The forest movement hangs suspended between the silviculturist/ conservation biology axis and the Zero Cutters.

framed the wilderness preservation debate 25-30 years ago. Hindsight, as a vehicle for accusation, dishonors the good-faith efforts of the women and men who carried the forest movement on their backs and measured success in inches, not injunctions.

Sadly, there is no forum for dealing with these issues and as long as they remain unacknowledged they will impede the development of a single, unified campaign. As James Monteith put it: "We're having trouble getting out of the past, and that prevents us from functioning in the present."

The trap that awaits warriors is putting love of battle above the love of cause. It was, after all, cause which brought us together, and disagreement on objectives which pulls us apart. It will be the job of the healers within the movement to keep our collective

In the end, perhaps it does not matter whether the movement aligns behind a single or separate campaigns.

focus on the prize: the forests. Happily, there is such obvious passion for saving the forests that it transcends even the grinding boredom of these meetings. So strong and so total is the commitment of these women and men, that whatever the shortcomings of the campaign development process, one cannot help but conclude that they will endure and ultimately triumph.

Bruised but not bent, Andy Mahler and others will continue to try and build a coalition and refine the campaign. In the end, perhaps it does not matter whether the movement aligns behind a single or parallel campaigns. What matters is that a group of extraordinary people with enormous heart are working to stop the insanity on America's public lands. It is my belief that they will succeed.

What's the biggest environmental problem?
The biggest health care problem?
The biggest tax reform problem?
The biggest obstacle in the way of public lands reform?

CAMPAIGN FINANCE LAW$

Fight the Right Enemy

by Harry Lonsdale

With just a little bit of digging I discovered that the unsustainable cut levels were frequently mandated by Congress.

Sometimes I'm amazed at how far we've progressed protecting our forests in view of our own turf wars and shortsightedness, especially since I've come to believe we're fighting the wrong enemy.

My education began about eight years ago when I started looking, I mean seriously looking, out the window of all those airplanes that took me on business trips across the Northwest. I got a very different view than the one I got when driving my car over the same terrain. I came to realize that the Forest Service, intentionally or not, had deceived us by leaving those narrow corridors of trees along the highways. Those tree-strips hid the ugliness behind: clear-cuts as far as the eye could see. You didn't have to be a rocket scientist to figure out that what was going on in our national forests was totally unsustainable. Worse, the ancient forests, those magnificent stands that attracted me to the Northwest in the early 1970's were disappearing, and fast.

At the time, I thought I knew who the enemy was: it was the timber companies and their chain saws.

The next stop on my education curve was a series of meetings in which the locals were trying to prevent some major logging along the Metolius River in Central Oregon. (After hundreds of thousands of miles of travel, it's still the most beautiful place I've seen on the planet, bar none). Forest Service representatives spent hours trying to convince us--unsuccessfully--that old-growth ponderosa pine forests look better with fewer trees! It didn't work, but I learned then that the timber companies had a powerful and (at that time) respectable ally in the Forest Service. It was then that the USFS became, for me, the true enemy. The timber companies were just doing what the Forest Service was allowing them to do.

Early on, I thought that the Forest Service acted on its own. They talked the good talk, like "forest management," "multiple use," and "sustained yields." But with just a little bit of digging, I discovered that the unsustainable cut levels were frequently *mandated* by Congress! The worst insult of all was the now infamous Section 318, the "Rider from Hell," the Hatfield-Adams rider that not only mandated outrageous cut levels but provided "sufficiency language" by which no challenges to the cut level could be accepted by the courts! The rider was sufficient to satisfy all environmental laws simply because Congress said so.

The trouble is, only Congress can change its election rules, and they won't-- at least not in any meaningful way.

That did it, for me. Congress was clearly the enemy and as some readers of *Forest Voice* know, I ran against Mark Hatfield in the 1990 U.S. Senate race, and against Les AuCoin in the 1992 Democratic primary election for the Senate seat held by Bob Packwood. I lost both times: close the first time (54%-46%) and exceedingly close the second time (42.5%-42.4%). But in the process, the whole, shabby U.S. electoral system became frighteningly clear to me.

Maybe there was a time, way in the dim past of our republic, when the person with the better ideas, the stronger character, the best personal history, or even the best debating skills won elections. But it isn't true today. Now, almost exclusively, incumbents win. They win by raising and spending more money for "advertising" than their opponents. On average, incumbents outspend challengers for Congressional office by 2,3, sometimes 10 to 1. With all the other advantages incumbents have, it's not surprising that more than 90% of incumbents--sometimes 98%--are returned to office.

O.K., so money buys elections. What else is new? Nothing, really, except that most of the sources of that money want something back for their "contribution." Those "contributions" sometimes border on extortion. The whole ugly subject has been treated in detail in numerous books, the two best of which are "Still the Best

Congressional corruption is hard to prove but like pornography, you know it when you see it. photo by Tryg/Sky

Congress Money Can Buy" by Philip Stern and "Honest Graft" by Brooks Jackson.

The people who represent the timber-producing regions of the U.S. in Congress have taken oodles of timber money over the years through political action committees (PACs), lobbyists, or corporate executives. Ironically, it's difficult to say--and nearly impossible to prove--that this represents vote-selling or any other form of corruption. Congressman X believes that "trees are America's renewable resource," and he votes that way. He also takes lots of money from the timber industry and gets reelected. Where's the corruption?

It's akin to the response of the Supreme Court justice who was asked to define pornography: "I don't know how to define it, but I know it when I see it."

And so it is with special-interest election "contributions." Those corporate execs and PACs aren't throwing their money away. (If they were, they would be fired.) The books by Stern and Jackson, referred to earlier, are replete with correlations between the amounts of various campaign contributions and Congressional voting patterns.

Put yourself in the position of a member of Congress who has been accepting campaign contributions from timber companies for years. You're in a tough reelection fight, and need money. The timber industry has plenty of money, but they need you to take the lead on "getting the timber cut out" one more time, even though all the scientific evidence says that the forests are vastly over-cut and should be left alone for a generation or two. What do you do? If you're a typical member of Congress, you vote to get out the cut.

Sure, Congresspeople who take special-interest money are unprincipled. Their response: "Those are the current rules of the game. Change the rules and we'll abide by the new rules." The trouble is, only Congress can change its election rules, and they won't--at least not in any meaningful way.

If you want to save

the remaining

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reduce the military budget,

or stop the proliferation

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or have

universal healthcare...

work for

campaign finance

reform.

So finally, after several long, frustrating years, I've found the real enemy. The one that makes the clearcuts possible, that rewards greed, that turned the Forest Service into a spineless and hypocritical agency, that buys politicians. It's the campaign finance laws. More specifically, it's the laws that permit people running for office to accept special-interest money. And since any private money contributed to an election campaign for a public official with the ability to write laws can be considered suspect, *the enemy is all private money contributed to elections.* All, whether it's from the AFL/CIO, or the NRA, or General Dynamics, or Phillip Morris, or Mother Theresa (actually, only U.S. citizens can contribute, so Mother Theresa is exempted).

It has long baffled me why people get so upset when candidates spend their own money when running for office. If a candidate spends only his own money, the only debt he'll have when it's all over is to his spouse and his heirs. For me, that's a lot more benign than owing Exxon or Weyerhaeuser, for example.

My conclusion, after viewing the scene close up for almost a decade is this: if you want to save the remaining public forests, work for campaign finance reform. If you want to reduce the military budget, or stop the proliferation of handguns, or reduce the national debt, or make income taxes more progressive, or finance public television, or fight pollution, or have universal health care in America, or restrict the sale of cigarettes, or restore confidence in our Government, or whatever your core issue is--work for campaign finance reform.

You won't be alone.

Several national groups--the Center for a New Democracy and the Center for Responsive Politics, both of Washington D.C., and the Working Group on Electoral Democracy of Deerfield, MA--are all committed to changing election laws and getting the private money out. Several states--Colorado, Massachusetts, Missouri, Montana, Oregon and Wisconsin--as well as the District of Columbia, are working on initiatives to limit contributions in legislative races.

I'm immensely encouraged by what happened in Italy in their most recent elections this spring. While most Americans don't seem to be aware of it, *the Italian Parliament is now comprised of 92% newly elected people, two-thirds of whom had never held public office before.* Talk about turnover! The change took place because Italians finally got fed up with corruption in government. (Is Japan next?) Picture 92% new faces in the U.S. Congress!

That's really what we need, you know: a whole new Congress, a Congress that isn't in debt to a bunch of deep pockets, a Congress that will carry out the will of the people. For, surely, if every American knew what was happening to the forests on public lands, if they had all flipped the pages of that magnificent book, *Clearcut: The Tragedy of Industry Forestry*, and if their will were reflected in Congress, we'd stop this destruction today!

Harry Lonsdale is a high-tech businessman living in Bend, OR. During his two campaigns for public office, Mr. Lonsdale accepted no money from PACs.

The Cost/Benefit of Extinction

by Victor Rozek

Free market failure: When there's profit in death, who speaks for the dying?

Lois Gibbs, founder and director of Citizens' Clearinghouse for Hazardous Waste, and the organizing force behind the citizens' revolt at Love Canal, made a telling discovery when she began to investigate the origins of the hellish ailments afflicting her children.

She found that at every level of government, from local, to state, to federal, officials knew that Love Canal residents were being poisoned. They knew, but did nothing. Nothing was done because officials judged a clean-up effort to be too expensive. It was cheaper to just let the residents die.

The reasoning used by bureaucrats in the Love Canal coverup, is common and pervasive to the socio-economic decision making process. It is based upon a notion that, at first glance, seems harmless and even rational, until it is applied to the living: cost/benefit analysis.

The purpose of cost/benefit analysis is to measure the money expended versus the money saved as a consequence of a particular decision. It may well have been the reasoning the Ford Corporation used when it ignored internal memos warning of potential gas tank explosions in its Pinto. Rather than issue a costly recall, Ford deduced that it would be less expensive to fight lawsuits resulting from the death or injury of its customers. Human life was judged to be less valuable than the cost of fixing a design flaw.

Analogous reasoning is widely applied to environmental issues, putting nature in the same position as the residents of Love Canal. Short-sighted officials support vandalizing the environment for profit because the benefits are known to be immediate, while the costs can be passed on to the public and future generations.

With the advent of industrial-scale extraction, those whose jobs depend on natural resources--like fishermen and loggers--have often chosen the short-term benefits of excessive extraction over the long-term benefits of sustainability. The bill for those decisions is coming due, and we will all be paying the price.

"Thirteen of 17 major global [ocean] fisheries are depleted, or in serious decline," reports Jessica Mathews writing for *The Washington Post.* On the Atlantic coast, the cod, haddock, and flounder catch is down 70 to 85 percent. Despite "bigger boats, sonar, [and] more days at sea," writes Mathews, the catch continues to decline. "Overfishing has decimated species after species...and the catch of nine of the twelve Atlantic groundfish stocks has collapsed." Massachusetts governor William Weld requested emergency financial aid for fishing communities who, he said, are in "immediate danger" of losing their homes and boats. Fisherman blocked Boston harbor, protesting their plight as if they had no hand in the depletion of fish stocks.

On the west coast, salmon runs are so depleted that authorities banned coho and Chinook salmon fishing altogether this year. The Columbia river system once boasted 16 million salmon. A free food supply. But less than one-tenth survive, and only a handful migrate up-river as far as Idaho's Redfish lake. The few that escape the fishing fleets and run the gauntlet of dams, find their spawning shallows buried by siltation from logging operations. The salmon need help. But after solutions to their problems are squeezed through the driftnet of cost/benefit analysis, very little benefit emerges for the threatened species.

Consider the following: The laughably named Marine Mammal Protection Act, whose central provisions have been suspended for the last five years, is up for congressional renewal. Under consideration are amendments that establish acceptable levels for the killing of mammals the act originally, in some cases, sought to protect. One proposal would allow the state of Washington to kill "nuisance predators" like sea lions which feed on salmon and steelhead at Seattle's Ballard locks. That a single factory trawler would likely scoop up more fish than could be eaten by the seals, has somehow escaped the solution seekers. The strategy is to transfer the cost to the seals and kill them, so that we can get the benefit of the declining salmon ourselves.

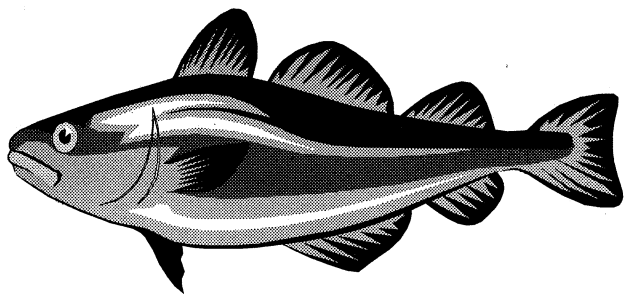
Likewise on the east coast, Senator John Kerry, D-Mass., is pushing for changes to the Marine Mammal Protection Act, that would allow "acceptable levels" for killing harbor porpoises--a species proposed for listing under the Endangered Species Act--because the nets used to catch flounder and cod also trap and kill porpoises. As previously noted, cod and flounder stocks are already overfished to the point of severe decline. What benefit there is to including the porpoise population in that decline is not clear.

photo by Robert Visser

On the Gulf of Mexico, shrimpers have similarly watched their catch decline through overfishing and the infusion of deadly pollutants from Louisiana's "chemical corridor" where chemical manufacturers have used the Mississippi as their private sewer. A "Dead Zone" now extends well into the Gulf and is growing yearly.

As severe as the problems are, and as serious as the implications are for a hungry world and jobless Americans, right up to the crisis stage and beyond, cost/benefit invariably weighs in on the side of grab-it-and-run. As resources become scarce there is a manic rush, fueled by a sense of economic entitlement, to be the last boat to catch the last boatload of fish, the last log truck to haul away the last ancient redwood.

The same sorry reasoning prompted the House subcommittee to allow Americans to import polar bear



Cost/benefit as applied to living things means:
If we can make more money killing it than saving it, then kill it.

"trophies," previously disallowed as a measure to protect *Ursus maritimus.* Hunters can now travel to Russia and Canada, kill bears, and bring back a swell assortment of bear parts. Some environmental groups defend the decision, saying it would "raise the value of the bear population to Canada's Inuit inhabitants, who could sell their bear-hunting licenses to American trophy hunters." It will no doubt,

It was cheaper to just let the residents die.

but every increase in "profit" will be matched by increases in poaching and counterfeit license sales.

Natural resource economist, Joseph Kalt, who is the faculty chairman of the environmental program at the Kennedy School of Government at Harvard University, thinks importing polar bear spoils is a nifty idea. "Providing ongoing economic value to an animal species is the surest way to guarantee its health and perpetuation," he argues. In other words, we must kill it in order to save it. If this represents the leading edge of environmental thinking, the planet is in peril.

Perhaps Kalt has not heard of the plight of unprotected elephants, which were hunted mercilessly for their economically-valuable ivory, or rhinos which are poached for their valuable horn. Cost/benefit as applied to living things means: If we can make more money killing it than saving it, then kill it.

What Kalt's thinking does represent, however, is a significant failure of the free market system. Economists widely agree on the existence of externalized costs, but seem unwilling or unable to assign value to industrial collateral damage and to weigh it as part of the cost/benefit equation. Thus, the primary goal of business is to stay in business regardless of the effects of its products and services on the larger society. Louisiana's chemical giants certainly produce conspicuous profits. But they also produce higher cancer rates, poisoned water ways, and decimated fisheries. Nuclear power plants produce electricity, but their waste is deadly for thousands of years and we have no safe method of disposal. Such costs are typically externalized; passed on to society so as not to mar the illusion of profitability.

Likewise President Clinton's solution to the Northwest forest crisis is an economic trade-off that will fail to provide for the long-term viability of 800 out of the 1,100 species studied by the scientific assessment team. It will sacrifice much of the remaining ancient forest to accommodate further looting of public resources by the voracious timber industry. The benefits will be short-term jobs; the cost is somewhat more permanent: extinction. Externalized costs will include: increased flooding, erosion, watershed destruction, depleted fisheries, lost recreation opportunities, deteriorating quality of life, and further destruction of public lands.

If this disregard for life, this commoditization of the living, this price-tagging of the toes, the hoofs, the fins, the wings of every living creature is abhorrent, equally shameful is the acquiescence of the

"Thirteen of 17 major global ocean fisheries are depleted or in serious decline."

environmental community which often negotiates these slow-kill legislative solutions.

The Center for Marine Conservation, for example, supports "acceptable levels" of porpoise mortality. The Sierra Club, whose own Board of Directors adopted a policy of supporting "the immediate halt of all logging in remaining old growth or roadless areas" nonetheless supports handing over 4 million acres of roadless wilderness in Montana to logging and other development. Thus environmentalists become part of the political constituency of those seeking private benefits at public cost.

Theodore Roosevelt, who was remarkably astute about humankind's antagonistic relationship with the natural world, wrote the following words in a message to Congress in 1907: "To waste, to destroy our natural resources, to skin and exhaust the land instead of using it so as to increase its usefulness, will result in undermining in the days of our children the very prosperity which we ought by right to hand down to them amplified and developed."

Almost nine decades later, who among us can say there is more benefit than cost to the environmental heritage we bequeath our children?

The primary goal of business is to stay in business regardless of the effects of its products and services on the larger society.

New Board Members Join NFC

Jean Reeder

Ms. Reeder is owner and president of Leadership Dynamics, Inc., a Northwest communications training and consulting company. She was formerly the president and chief executive of Wings Enterprises, a personal effectiveness training corporation. Prior to her involvement with personal growth work, Ms. Reeder was the General Manager of the Eugene Water and Electric Board--the only woman manager of a major public utility in the nation. She makes her home in Eugene, OR.

David Fenton

Mr. Fenton is president and founder of Fenton Communications, a public relations firm based in Washington, D.C. He built his professional reputation putting the strategies and tactics of big-money PR to work for low-budget environmental and public interest organizations. Mr. Fenton first became involved with political activism during the Vietnam war. In the 1970s, he published an alternative newspaper in Ann Arbor, Michigan which was the first paper to break the story of how CFCs were destroying the ozone layer. In the late 1970s, he became Director of Public Relations for *Rolling Stone* magazine. In 1990 Mr. Fenton was named one of the 100 Most Influential people in Washington by *Regardie's* magazine for his work against the chemical Alar in apples. He has been profiled in *The New York Times* and *The National Journal* which called him "the Robin Hood of public relations."

Sharon Duggan

Ms. Duggan is a San Francisco-based attorney working with the Pacific Justice Center (PJC) located in Redway, California. PJC is a consortium of four attorneys committed to working on public interest environmental issues. Ms. Duggan specializes in forestry, environmental, and land use litigation, frequently representing citizens seeking enforcement of laws regulating California's private land forestry practices. Recently, PJC litigated cases involving violations of California's toxic right-to-know law—Proposition 65. Ms. Duggan has served on the California Women Lawyers Board of Governors, the Sonoma County Bar Association Executive Committee, and was Chair of the Legal Committee Trial Lawyers for Public Justice during the National Wildlife Federation v. Exxon Valdez case. Many of the cases litigated by Ms. Duggan and PJC are accepted on a pro-bono basis.

Hilde Cherry

Ms. Cherry is a long-time social activist and friend of the Native Forest Council. Born and raised in Austria, Ms. Cherry received early lessons in the cost of social activism when her father, a human rights advocate, was jailed after Hitler assumed power, and she was expelled from school as a "bad element." Her family eventually made its way, separately, to Sweden, and in 1939 emigrated to the United States. Ms. Cherry settled in Hawaii where she lived for 42 years and was active in a number of environmental and development issues. In 1987 she moved to Eugene, OR where she continues working for human rights and environmental causes. Ms. Cherry has degrees in Zoology and Nursing.

About the Native Forest Council

The Native Forest Council is a non-profit, tax-deductible organization founded by a group of business and professional people alarmed by the willful destruction of our national forests. We believe a sound economy and a sound environment are not incompatible, and that current forestry practices are devastating to both.

Therefore, it is the mission of the Native Forest Council to provide visionary leadership, to ensure the integrity of native forest ecosystems, without compromising people or forests.

Forest Voice

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An Invitation to Join
Native Forest Council

And the national fight to preserve America's forests

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