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Hard Time

L.A. Kauffman

June 2001

The clampdown continues: On June 11, Jeff Luers, a 22-year-old radical environmentalist who goes by the activist name Free, was sentenced to a jaw-dropping 22 years and 8 months in prison for two arson incidents in Eugene, Oregon. His co-defendant, Craig "Critter" Marshall, is serving 5 ½ years, after having accepted an earlier plea-bargain in the case.

"It just tore a piece of me out," said my friend B., who spent many days and nights in a treesit with Free, 200 feet above the ground in a stand of ancient Douglas firs about 25 miles east of Eugene, as part of an ongoing campaign to prevent logging in the Fall Creek watershed. "This guy is like a gift to humanity – I mean it, full on, a gift to this world – and this is what they do to him: he's buried alive."

To the authorities – and much of the general public, no doubt – Free is an eco-terrorist, pure and simple. Before his sentencing, the young activist admitted lighting a June 2000 blaze at Eugene's Romania Chevrolet dealership, which destroyed three pickup trucks, causing \$40,000 in damage. (Most of his sentence – 15 years, with no possibility of parole – is for this incident.) Free was also convicted of attempting to

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<https://web.archive.org/web/20021205062347/http://www.free-radical.org/issue17.shtml>
Issue #17 of Free Radical

theanarchistlibrary.org

ignite an empty gasoline tanker at Tyree Oil Company in May 2000, which he denies.

"I want to make clear why I set a fire at Romania Chevrolet," Free told the court. "I didn't do this for anarchy or because I'm anti-government. And I didn't do this because I enjoy property destruction. I don't. I did this because I'm frustrated that we are doing irreversible damage to our planet, our home... I'm not going to justify my actions. I can't do that any more than one can justify the destruction of the environment for profit. They are both wrong. I take responsibility for what I've done."

Jeff Luers was 19 when he hopped a freight train to Eugene from Los Angeles in the spring of 1998. He was already interested in environmental issues, having worked as a canvasser for Greenpeace. But raising money door-to-door didn't satisfy his growing political passion. Once in Oregon, he quickly volunteered to be the first treesitter for the nascent Fall Creek campaign.

Living high in the ancient forest canopy transformed him – and a great many other activists, perhaps several hundred in all, who spent time in Fall Creek over the ensuing years, supporting a treesit village that came to be called Red Cloud Thunder. The media cliché of "Eugene anarchists" misses one of the most important radicalizing influences on the area's activist scene: the forest encampment 25 miles outside of town.

"Fall Creek was a turning point for the movement in a lot of ways, and Free helped make it that way," says B. "There was a new generation of punks and anarchists coming into the woods, a lot of young blood, and a lot of city activists, getting out of the city into the woods, making those connections, and bringing a really anarchist perspective to the movement."

Explains Warcry, a New York activist who befriended Free at Fall Creek, "Coming from urban places, you see this phenomenal natural beauty – a majestic, primeval world of old-growth – and a kind of entrancing, eye-opening relationship takes place between you and that natural wonder. You realize, without too

much rhetoric, exactly why you're there and what you're defending and what you're protecting, and you start to identify with it."

I arrived in Fall Creek on Free's 38th day in the trees, in May 1998. I was deeply involved at the time in the direct-action fight to preserve New York City's community gardens; we were borrowing tactics from Earth First! forest blockades, and I was visiting Oregon to check out some backwoods actions firsthand.

There were seven people in the camp at that point: three in the trees, three on the ground, and to my surprise and delight, B., shuttling back and forth. He tried to convince me to climb up and see the elaborate platforms that Free and the other sitters had built, but I was too chicken. Instead, I watched with amusement as they winched up an old exercise bike – apparently, one's legs get all rubbery up there from disuse – and then with trepidation as they strung traverse lines from tree to tree.

I wouldn't have actually met Free at all were it not for the appalling personal hygiene of the camp cook, who never washed his hands and consequently gave everyone who ate one particular dinner (I didn't touch it) a nasty case of food poisoning. Free was so sick, the poor guy, that he felt compelled to come down for a short time from his tree. In my brief and haunting memory of him, he's quiet and very pale – exactly how the Portland newspaper described his demeanor when he was convicted.

"When these kids are reacting [to environmental destruction] with sabotage or whatever," says Warcry, "it seems like, oh, they're crazy, they're vandals. But there's no context about why they feel as deeply as they do, what they see disappearing, what they see threatened. They know their future is fucked, they realize that, and they may not always have an in-depth economic analysis, but they know that they're not the ones in control and they're reacting to it with whatever targets there are available."

The disparity between the scale of Free's crime and the length of his sentence has left his friends and supporters stunned and outraged. "I think it's pretty obvious that, yeah, he fucked up, but he doesn't deserve to be robbed of his entire life," says Warcry. "Maybe [what he did] is criminal mischief or vandalism or something, and he should be accountable for that, but I hardly think 23 years is a sane way to hold him accountable."

It seems clear, though, that Free is being held accountable for something well beyond those three pickup trucks he destroyed. Particularly over the last year (when Free was, it should be noted, in jail awaiting trial), there has been a steady escalation in ecological arson in the United States. Most recently, on May 21, underground cells of the Earth Liberation Front (ELF) burned down a tree farm in Oregon and a horticultural center at the University of Washington that were engaged in genetic engineering research; the combined damage estimates topped \$5 million. A week later, ELF pointedly published a manual on its website, "Setting Fires With Electrical Timers," that promises "down-to-earth advice and comprehensive how-tos about devices, fuel requirements, timers, security and more."

"The intent with [Free's] sentence was definitely to set an example to deter other actions, but I don't really think that it's going to have a big effect on the continuation of acts of economic sabotage," says Gumby Cascadia of the Free & Critter Legal Defense Committee in Eugene. "I think that what it does is it makes people understand the deadly seriousness of choosing to do that kind of action, and it may weed out the people who think it's a game from those who are really serious."

Prosecutorial overkill is becoming more common for much milder actions, too; the stakes are getting higher everywhere.

Two Denver activists, Doug Bohm and David Martin, were recently jailed after refusing to answer a grand jury's questions about some vandalism that took place at a Kohl's store

during an anti-sweatshop demonstration last December, when four people dressed in Santa suits damaged thousands of dollars of clothing with spraypaint. The two men may serve as much as six months unless they testify.

In Northern California, a 19-year-old Earth First!er, David Wehrer, is facing eight counts of felony child endangerment and eight misdemeanor charges of contributing to the delinquency of a minor for taking eight students, aged 15 to 17, to a backwoods protest against Pacific Lumber Company, where they were arrested for trespassing.

Twenty-six activists were sentenced to six-month federal prison terms in May for trespassing at the U.S. Army's notorious School of the Americas during a nonviolent civil disobedience protest organized last year by SOA Watch.

And of course there's the famous case of the Vieques Four – the Rev. Al Sharpton, Bronx Democratic Party chair Roberto Ramirez, and New York City politicians Adolfo Carrion and Jose Rivera – who (along with many less famous protesters) are doing 40 to 90 days in federal prison for trespassing nonviolently on the Navy's Puerto Rican bombing range.

Free plans to appeal his case, while Critter hopes to qualify for a boot camp that could reduce his sentence to two years. "A lot of us are in shock, we're at a loss, because it's such a harsh sentence," says Warcry, "but we're also trying to gather ourselves and strategize."