

Testimony Before The Sub-Committee on Forests and Forest Health

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Representing My Role As A Social Scientist And The Research I conducted While A Professor At The University Of Washington

Thank you Mr. Chairman and committee members for inviting me here today. My name is Michael Pendleton and I am representing my work as a social scientist while at the University of Washington, and specifically my published research on forest based crime, enforcement, lawlessness and timber theft. I would like to add, however, that my testimony also reflects my experience as the grandson of a legendary North West Logger, whose small logging business was bankrupted by strategic vandalism of his equipment, and my service as a working police officer in the State of Oregon where the importance of real enforcement were made apparent. This is my testimony.

The hundreds of hours that I have spent in patrol trucks with land management enforcement officers strongly indicates that public policy on these matters would be greatly enhanced were we to broaden our understanding of crime and terrorism in our national forests. It isn't that your concern with "eco-terrorism" is wrong. Rather, it is incomplete. What I know and every "on the ground" forest officer will tell you is that the vast majority of property crime and violent acts are committed not by "eco-terrorist", but by a relatively small but known group of local residents that subscribe to a twisted view of wisdom and use. The drive-by shooting of a ranger station where the offenders emptied their automatic weapons only to stop and reload for a second pass was explained by the offenders, upon arrest, as their answer to federal management of forest and parklands. In effect those inside the ranger station nearly gave their lives for performing their jobs. The drive-by shooting is but one among many examples of blown gates, car bombings and arsons where land management employees and federal property are the clear targets of violence. The examples I cite are not, however, the work of eco-terrorists but crimes committed to service a radical right philosophy that clearly advances the "take over" of national lands from federal management and the American people. I would submit that such a view is at least as worthy of a public policy response as the one advanced by eco-terrorists.

In spite of these well known, and documented cases of domestic terrorism, little has been done to address these concerns. In fact, in the wake of the Oklahoma bombings, federal legislators actually advanced legislation to disarm land management officers to include Forest Service Law Enforcement Officers. In my article concerning crime, criminals and guns in these settings, I point out the nonsensical nature of this proposed policy. Documented crime in these settings has been escalating since 1990. During my research, 255 known offenders were identified of which 85% lived in close proximity to the National Forest under study. Forest Law Enforcement Officers, on average, contacted at least one individual during their daily patrol that was visibly armed. Of all the people encountered during this research by Forest Law Enforcement Officers, 37% were visibly armed. Criminal history research on weapons offenders encountered in natural settings reveal an astonishing profile where, on average, these offenders have 7.8 prior offenses of which half were felonies. One individual in this research accounted for 48 prior offenses. To actually suggest disarming Law Enforcement Officers in the face of this reality sent a strong message to those charged with land management.

Other, very strong signals have been sent to Forest Service Law Enforcement Officers to suggest that addressing forest crime in a meaningful way will not be rewarded. While the \$40 million dollars of damage

attributed to eco-terrorist groups such as the Earth Liberation Front is clearly unacceptable and should be addressed, it pales in comparison to the \$100 million dollar annual loss attributed to timber theft from National Forests. Yet in spite of this chronic and well documented property crime, efforts to address this loss by Forest Service Enforcement Officers have been overtly stopped. The disbandment of the Forest Service Timber Theft Investigations Branch in 1995, and the retaliation against its whistle blowers, was perhaps the most visible effort to stifle meaningful enforcement. But others exist as well such as the systematic dismissal of large timber theft cases, and the recent presidential pardon of a convicted timber theft offender.

Even more profound efforts to limit a law enforcement response to timber theft occur as part of a complicated system of internal Forest Service practices based on the view that timber theft is nothing but a folk crime committed by basically good people. Such a view empowers organizational practices that encourage officers to "look the other way" or face real organizational pressures to conform or get out. Law enforcement officers consistently pointed to such practices as a 10% over-cut provision in timber sale contracts, known monetary thresholds of \$50 thousand dollars below which there would be no follow-up investigation by central office investigators, and fatal flaws in the handling of cases submitted to law enforcement officers thus preventing prosecution. When combined with poorly equipped and funded enforcement programs these operational practices effectively discouraged meaningful pursuit of timber thieves.

The effect of systematically ignoring timber theft has been to create an uneven playing field in the timber industry for those that choose to play within the rules. More importantly to systematically ignore the theft of trees worth millions of dollars each year is as blatantly wrong and immoral as looking the other way while a corporation fix's the price of electricity as it is also stealing its employee's retirement. In both cases greed promises to bankrupt the future lives of those to follow. If there is doubt about this, all one has to do is compare the impact of unsustainable forests on a displaced logger, with the views of a 59 ½ year old Enron employee.

Based upon my research and experience it seems clear to me that meaningful policy to address the full range of crime, terrorism and lawlessness is long overdue in America's forests. The first step is to empower and fully fund meaningful law enforcement in the National Forests. The core of this effort should be built around the policy of "blind justice". This policy would simply require the full and effective enforcement of the law against ALL who choose to offend regardless of where on the political spectrum one might shop for their justification. Specifically, terrorists who offend in the name of the environmental protection or terrorist who offend in the name of the wise use movement should be found and prosecuted to the fullest. Criminals who steal trees should be treated in the same way as those criminals who destroy property. They are both crimes and those who do those things are criminals.

Anything short of the policy of blind justice will reveal a policy that is at a minimum based upon a distorted view of crime and lawlessness in our nations forests. It follows that these distortions will promote irrelevant means to manage the full array of crime that exists, often vilifying some to the exclusion of others. At its worst, anything short of a policy of blind justice will lay transparent the bias's it serves and further undermine Americans respect and confidence in the rule of law and the commitment to doing the right thing. I urge you to adopt and fully fund a policy of "blind justice" in our nations forests.

In support of my testimony I have requested that three of my articles be placed in the record. These articles are entitled:

- 1) "Crime, Criminals and Guns in Natural Settings: Exploring the Basis for Disarming Federal Rangers", American Journal of Police, Vol. XV, No. 4, 1996.
- 2) "Looking the Other Way: The Institutional Accommodation of Tree Theft", Qualitative Sociology, Vol. 20, No. 3, 1997.
- 3) "Taking the Forest: The Shared Meaning of Tree Theft", Society and Natural Resources, Vol. 11, 1998.

Thank you for your attention to this most important issue.

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