

FREE POLITICAL PRISONER JEFF 'FREE' LUERS



Free Free: The Case of Jeff Luers

by **Dylan Kay**

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You can judge my actions, but you can't judge my heart. It can not be said that I am unfeeling and uncaring. My heart is filled with love and compassion. I fight to protect life, all life, not to take it.

-from Jeff Luer's sentencing statement, June 11, 2001

Back in June 2000, a young activist named Jeff Luers, known to his friends as 'Free,' set fire with friend Craig Marshall to three Sport Utility Vehicles (SUVs) at Romania Chevrolet car lot in Eugene, Oregon, using simple milk jugs of gasoline, incense sticks and matches. Instead of receiving a three-year sentence and fading into the background, Jeff was slapped with a 22.5 year sentence-which was not only longer than his lifetime until that point, but is one usually reserved for the most heinous of crimes like rape and murder, not acts of property destruction. Jeff's sentence has been criticized for its length, given that in Oregon, most arsonists receive sentences of 50 to 96 months; Jeff got over 230. I read recently that Jeff's trial judge sentenced a 21 year-old to just 3 years for throwing a molotov cocktail into a school. Jeff's case has received international prominence in the environmental and social justice movements due to his severe sentence and has prompted the question, "why would someone burn three SUVs?"

The Action

Jeff was arrested shortly after the incident by the same police who had been following him and Craig all night. Some have even accused the cops of allowing the SUVs to be burned in order to make an arrest based on the fact that Jeff and Craig were followed by six undercover police cars prior to the action. The police lost sight of them for only five minutes-the time it took for them to set the fires. Their stated purpose was to raise awareness about global warming and the role that SUVs play in that process. Both activists took measures to make sure that no one would be injured as a result of their action. In fact, the location was scouted for months beforehand. An arson specialist later confirmed that the action did not pose any threat to people based on its size and distance from any fuel source. Jeff and Craig were arrested, charged with multiple arson charges and a few days later accused of an attempted arson at Tyree Oil-a gas facility located in the Whitaker neighborhood, home to many activists that reside in Eugene. Although there was no proof of their involvement at Tyree Oil-and there were fingerprints that did not match Jeff or Craig-the state manipulated evidence to get a warrant and illegally searched Jeff's residence. [In the search, they found metal cutters that they said matched a hole cut in the Tyree Oil fence]. Overall, they were faced with 13 serious charges including first degree arson, attempted arson, possession and manufacture of a destructive device and criminal mischief.

The Trial

The trial, which started after they had spent a year in Lane County Jail, was a farce from the very beginning. Articles in the local media marginalized them as troublemakers and highlighted previous arrests. Supporters were stopped on their way to the trial by local police and threatened with noise violations. Jeff's judge denied almost every motion made by his lawyer, including that to separate the Romania car lot case from the Tyree Oil case, allowing the state to portray them as serial arsonists and a menace to the community. Had the cases been separated, the flimsy circumstantial evidence for the Tyree case would never have stood up. Motions to sever the defendants from each other were similarly denied.

From the prosecutor's actions, it seemed that Jeff was a trophy conviction-one that would deter future actions and allay

For more information, write:

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criticism of Oregon's inability to solve cases of property destruction by the Earth Liberation Front (ELF). Since 1996, over 200 actions against animal industries, logging, mining and biotechnology have been claimed by the ELF or ALF (Animal Liberation Front), causing hundreds of millions of dollars in damage to these companies-cases that are still unsolved. The action taken by Jeff and Craig however was not claimed by the ELF and they have stringently denied involvement in the group. Nonetheless, the prosecutor seemed to be driven by the need for a big conviction.

Five days into the trial, Jeff's lawyer Ken Morrow died unexpectedly, causing a hold-up in the trial. A day later, Jeff's co-defendant Craig Marshall pled guilty to conspiracy to commit first degree arson and possession of a destructive device. He was sentenced to a five year, five month sentence [his release date is December 2004]. After some legal wrangling, Jeff hired Craig's lawyer and proceeded on with the case.

Three days into Jeff's trial, unknown individuals torched 36 SUVs at the same car lot that Jeff and Craig had set fire to a year earlier, and released a statement that the act was in solidarity with both defendants and criticized car culture. Many felt that this tainted Jeff's chance of a fair and unbiased trial and perhaps for that reason, Jeff chose to have a judge decide on his innocence or guilt instead of a jury.

After five days of trial, Judge Lyle Velure found Jeff guilty of 11 of 13 charges. Because of Oregon's mandatory minimum sentencing guideline, Jeff received a seven year mandatory sentence for each car burned as well as charges of possession of incendiary devices and attempted arson-totaling 22 years and eight months. In his sentencing statement, Jeff spoke about the many precautions both he and Craig took before the action:

I took every precaution to ensure that no one would be injured by this fire. If I thought for any reason that anyone-responding firefighters or police officers-would be injured, I never would have set this fire. It was not my intention to hurt anyone or place anyone at risk.

Campaign to 'Free Free'

Although faced with a tremendous sentence and against major obstacles like his distance from his home in Eugene and being moved around from prison to prison, Jeff has been remarkably active in the first three years of his imprisonment. He is working toward a degree in sociology as well as taking paralegal classes, and many of his writings and artwork have been published, including an op-ed piece on the concept of ecoterrorism in the statewide newspaper, the Oregonian.

He also has addressed the Congressional Hearings on 'Eco-terror' held in February 2002-a hearing that reminded some of Senator Joe McCarthy's House of Un-American Affairs Committee (HUAC) political witch hunts of the 1950s [*has anyone you know or have known been a member of...Earth First! ?*] In those hearings, Congressman Scott McInnis (representing the district near Vail, Colorado-home of the biggest ELF action ever, the 1998 burning of the Vail ski resort which was set to expand into a wilderness area) taunted former ELF press officer, Craig Rosebraugh, asking if he wanted to "waste away in prison for the next two decades like Jeff Luers".

Jeff's appeal was filed in January 2002 and the state government recently responded with its own brief, which calls Jeff a terrorist 5 [times. Emboldened by a reactionary 9-11 climate, the prosecution as well as 'property rights groups' [like the Center for the Defense of Free Enterprise] have dropped the word 'eco' and now labels activists like Jeff 'terrorists,' equating them to al-Queda. Advocates for Jeff's freedom hope the case will go to court within a year but it is impossible to tell. Promising developments in Jeff's case are a letter released by the Eugene Human Rights Commission in June 2003. It argues that Jeff's sentence is disproportionate in comparison to those of people who commit violent crimes as well as urges him to

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utilize the appeal process and seek a reduced sentence.

This case is a pivotal case for activists nationwide because it is setting the tone for how actions in defense of the Earth will be viewed by the public and punished by the state. Prior to Jeff's case, activists getting arrested for actions like arson or liberating animals could expect sentences of about five years or so. Jeff's sentence is a radical departure from that model and it goes hand in hand with the manner in which these actions are described by the government and media. What was once 'direct action' has been transformed into 'eco-terrorism' and more often now, we are seeing the term 'terrorism' being used. Legislators on the state and federal level are pushing for strong anti-terrorism legislation that will serverly increase punishment for actions like Jeff's as well as serve as a deterrent to future actions. Over and over, letters printed in areas in which actions occur are stating that these actions are one and the same with the terrorism of groups like al- Queda members. If we want to get anywhere, we are going to have to combat this misrepresentation of our actions and not allow people that get arrested and imprisoned to fade away and be forgotten.

On June 12, 2003 supporters of Jeff in Eugene, Oregon had a 'Free Free' march (ending with 12 arrests). Supporters in Melbourne, Australia conducted a picket for Jeff outside the American embassy and activists in Moscow, Russia are embarking on a postcard campaign as well. Plans are being discussed for an international day of action and solidarity for Jeff next summer with protests as well as celebrations all over the country and the world.

All that I ask is that you believe the sincerity of my words, that you believe that my actions, whether or not you consider them to be misguided, stem from the LOVE I have in my heart.

-from Jeff's sentencing statement, June 11, 2001

What you can do to help Jeff

Jeff's case is in appeal and his lawyer and the state will trade briefs before going to court again; Jeff intends to appeal his case as many times as necessary. This case is tremendously expensive and requires a lot of community support.

To donate money to Jeff's appeal, click 'make a donation' on his website www.freefreenow.org or send a check/money order made out to 'Free's Defense Network' and send to POB 3, Eugene, OR 97440. Donations can also be made to his commissary account for stamps, pens, envelopes etc. You can write Jeff directly at: Jeffrey Luers, #13797671, OSP, 2605 State Street, Salem, OR 97310. Form a local support group for Jeff; his defense network is decentralized, with groups coordinating through Jeff. Groups can hold benefits, put donation jars at the local bookstore or have letter-writing days to Oregon newspapers or the Governor. Check the site for more ideas: www.freefreenow.org

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