

## Paul V. Gallegos: Courage Under Pressure

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In Humboldt County, California, the Pacific Lumber Company puts bread on the table for most of the area's residents. As the region's largest and most influential private-employer,<sup>1</sup> Pacific Lumber employs nearly 900 workers and generates over \$54 million in business activities.<sup>2</sup> Thus, when Humboldt County District Attorney Paul V. Gallegos decided to challenge the Pacific Lumber Company just weeks after winning his own election, many people believed that he was committing political suicide.<sup>3</sup> However, in the face of a vicious recall campaign, Gallegos acted with the courage of his convictions.

In 1999, Pacific Lumber agreed to the Headwaters Forest settlement in which it would sell 5,600 acres of land to the state as a public trust for \$480 million. In return, the company would be allowed to log the remaining 211,000 acres, although it would have to follow a strict set of environmental restrictions.<sup>4</sup> However, it was later discovered that the company had lied to state officials about the risk of cutting down trees on unstable slopes in order to make an additional profit of \$40 million per year. Richard Wilson, the Department of

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<sup>1</sup> Geniella, Mike, "Recall Bid Against Humboldt D.A.," *The Santa Rosa Press Democrat*, May 20, 2003. Online. [http://nl.newsbank.com/nl-search/we/Archives?p\\_action=print](http://nl.newsbank.com/nl-search/we/Archives?p_action=print)

<sup>2</sup> Tempest, Rone, "Pacific Lumber Aids Effort to Recall D.A.," *The Los Angeles Times*, November 7, 2003. Online. <http://www.latimes.com/news/politics/la-me-timber7nov07,0,4827943.story?coll=la-headlines-politics>

<sup>3</sup> Stanton, Sam, "Humboldt DA: Lumber Firm's Out to Get Me," *The Sacramento Bee*, February 16, 2004. Online. <http://www.sacbee.com/content/politics/v-print/story/8277745p-9208396c.html>

<sup>4</sup> Elias, Paul of the Associated Press, "Recall Targets Prosecutor Who Took on Lumber in Redwood Country," *The San Diego Union-Tribune*, March 2, 2004. Online. <http://www.signonsandiego.com/news/politics/20040302-0017-ca-redwoodrecall.html>

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Forestry's director, stated that if he had been given accurate information, he would not have sanctioned the company's logging plan.<sup>5</sup> A panel of seven scientists who were employed by the North Coast Regional Water Quality Control Board also issued a scathing condemnation of the company's blatant disregard for environmental protection.<sup>6</sup> According to the panel, the corporation's logging had resulted in the degradation of water quality and the destruction of habitats for salmon and other endangered animals. Rancher Michael Evenson described the devastating outcome: "Their clear-cutting has caused massive landslides, and that has filled up the river with silt and gravel."<sup>7</sup>

The company's disregard for the environment was nothing new. In 1998 alone, Pacific Lumber had been cited for fourteen violations of state forestry laws.<sup>8</sup> However, since the corporation employed many residents and retained an enormous amount of influence, legislators and politicians turned a blind eye to the situation. In 2003, a judge concurred with the Humboldt Watershed Council that Pacific Lumber had violated environmental regulations, but refused to penalize the corporation or even slow down its logging.<sup>9</sup>

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<sup>5</sup> Chea, Terence of the Associated Press, "California Forestry Official Says Timber Firm Provided False Data," *The San Jose Mercury News*, February 5, 2004. Online.

<http://www.mercurynews.com/mld/mercurynews/news/7876576.htm>

<sup>6</sup> Hymon, Steve, "Report for Water Agency Recommends Reducing Pacific Lumber's Operations in Humboldt," *The Los Angeles Times*, January 14, 2003. Online.

<http://www.latimes.com/news/science/la-me-logging14jan14.0.5991408.story?coll=la%2Dnews%2Dscience>

<sup>7</sup> Martin, Glen, "A Different Breed of Protester Opposition to Clear-Cutting of Timber Grows Among Humboldt County Residents," *The San Francisco Chronicle*, June 18, 2001. Online.

<http://sfgate.com/cgi-bin/article.cgi?file=/c/a/2001/06/18/MN101638.DTL>

<sup>8</sup> Lucas, Greg, "Pacific Lumber Faces Clear-Cutting Charge," *The San Francisco Chronicle*, October 15, 1998. Online. <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/1998/10/15>

<sup>9</sup> Shellenberger, Michael, "Framing Democracy: How We Defeated a Corporate Recall in Humboldt County," *The Breakthrough Institute*, Summer 2004. Online.

<http://www.ega.org/resources/newsletters/sum2004/humboldt.html>

Furthermore, the California Fish and Game Department did nothing to punish the company.<sup>10</sup>

Only six weeks after barely winning the local election against the twenty-year incumbent, the new district attorney, Paul V. Gallegos, risked his political career when he became the first elected official to ever confront the timber giant.<sup>11</sup> His office sued Pacific Lumber on the grounds that the corporation had provided the state with deliberately fabricated information regarding the potential environmental impact of its logging. The six-count litigation<sup>12</sup> asserted that the company's misleading attempt to generate a greater profit had "caused destruction to ancient redwoods, serious harm to Humboldt Bay, and serious harm to streams, bridges, roads, homes, and property rights of Humboldt County."<sup>13</sup> Moreover, Gallegos sought an additional \$2,500 for each tree that was cut, a lawsuit that had the potential of costing the corporation over \$250 million.<sup>14</sup> When asked about his decision to pursue the case, Gallegos responded, "Government needs to represent and treat everyone equal. Whenever you have businesses engaged in unlawful fraudulent activity...it affects the

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<sup>10</sup> Harris, Ron of the Associated Press, "Humboldt DA Claims Fraud in Pacific Lumber Suit," *The Redding Record Searchlight*, April 13, 2003. Online.

<http://www.redding.com/news/state/past/20030413topstate036.shtml>

<sup>11</sup> Tempest, Rone of the *Los Angeles Times*, "Pacific Lumber-Backed Recall OK'd," *The Contra Costa Times*, November 9, 2003. Online.

<http://www.contracostatimes.com/mld/cctimes/news/7220624.htm>

<sup>12</sup> "The People of the State of California vs. The Pacific Lumber Company, Scotia Pacific Holding Company, Salmon Creek Corporation," Second Amended Complaint for Civil Penalties and Other Relief Filed By Paul V. Gallegos, District Attorney. Online.

<http://www.co.humboldt.ca.us/distatty/pdf/plcomplaint.pdf>

<sup>13</sup> "DA Says PL Harmed Redwoods, Seeks Penalty of \$250 Million," *Northcoast Environment Center Newsletter*, March 1, 2003. 575 H Street, Arcata, California 95521

<sup>14</sup> Martin, Glen, "North Coast Prosecutor in Dustup with Loggers D.A. Who Sued Pacific Lumber Faces Recall Effort," *The San Francisco Chronicle*, April 3, 2003. Online. <http://sfgate.com/cgi-bin/article.cgi?file=/c/a/2003/04/03/MN299335.DTL>

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overall integrity in our systems. We cannot have two levels of justice in Humboldt County.

That is how simple it is.”<sup>15</sup>

The district attorney’s actions were met with bitter opposition. In retaliation, Pacific Lumber launched a vicious recall campaign against Gallegos, and poured over \$300,000 into the effort.<sup>16</sup> This was more than 90% of the total money going into the recall attempt.<sup>17</sup>

Pacific Lumber sent out thousands of pro-recall letters to Humboldt County residents, granted employees paid leave to campaign against the district attorney, falsely accused Gallegos of being “soft on crime,” and paid professional circulators eight dollars for each signature they could add to the recall petition.<sup>18</sup>

For months, the antipathy against Gallegos was ubiquitous. Almost everywhere he went, the district attorney would see signs and bumper stickers that read “Recall Paul Gallegos.”

Loggers began to protest outside of the courtroom,<sup>19</sup> and long time supporters of the district attorney began to turn against him. Melvin Berti, the mayor of Fortuna, remarked, “My wife and I voted for Paul Gallegos. Unfortunately, now we see what his true platform is.”<sup>20</sup> In

addition, the county’s supervisors voted 4-1 against providing his office with additional

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<sup>15</sup> Tempest, *The Los Angeles Times*, November 7, 2003

<sup>16</sup> Stanton, Sam, “Loud and Clear: Voters Retain Humboldt DA,” *The Sacramento Bee*, March 4, 2004. Online. <http://www.sacbee.com/content/politics/v-print/story/8405639p-9335017c.html>

<sup>17</sup> Lucas, Greg, “Humboldt DA Fights to Keep Job: Lumber Firm Funds Recall Campaign After Being Sued,” *The San Francisco Chronicle*, February 28, 2004. Online. <http://sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2004/02/28/BAG3E5AM9B1.DTL>

<sup>18</sup> Weiss, Kenneth R., “Voters Reject Attempt to Recall North Coast DA,” *The Los Angeles Times*, March 3, 2004. Online. <http://www.latimes.com/news/local/politics/cal/la-me-humboldt3mar03,1,4983349.story?coll=la-home-headlines>

<sup>19</sup> Lucas, *The San Francisco Chronicle*, February 28, 2004

<sup>20</sup> Locke, Michelle of the Associated Press, “Timber Supporters Aim to Fell Redwood Country DA,” *The Redding Record Searchlight*, June 1, 2003. Online. <http://www.redding.com/news/state/past/20030601topstate018.shtml>

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funding to handle the case.<sup>21</sup> Gallegos's house was even broken into twice, and e-mails from his office were stolen.<sup>22</sup>

Gallegos, though, retained his faith in the voters and the political system. Despite the fact that Pacific Lumber had vigorously campaigned to remove Gallegos, the voters ultimately decided to keep the district attorney, 61% to 39%. Gallegos exultingly stated, "It's a triumph of the people over the influence of money and lies in politics."<sup>23</sup> The district attorney's office is continuing its lawsuit against Pacific Lumber.

The district attorney could have easily avoided the firestorm that resulted from his decision to pursue Pacific Lumber. Instead, Gallegos disregarded the consequences that had put his career in limbo and acted with the courage of his convictions. As retired Humboldt County science teacher Ralph Kraus noted, "The D.A. [district attorney] is showing the kind of integrity and courage that should be a giant moral inspiration to all citizens, and rejuvenate our faith that with the right people in office, the system can work."<sup>24</sup> District Attorney Paul V. Gallegos's courageous actions marked a turning point in the dominance of the timber company's interests in the county, and reflect a man who was willing to act on principle and not politics.

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<sup>21</sup> Martin, *The San Francisco Chronicle*, April 3, 2003

<sup>22</sup> Stanton, *The Sacramento Bee*, March 4, 2004

<sup>23</sup> Weiss, *The Los Angeles Times*, March 3, 2004

<sup>24</sup> *Northcoast Environment Center Newsletter*, March 1, 2003

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