

Manslaughter in the Woods

FOLLOWING THE DEATH in September of David Chain, a 24-year old Earth First activist, environmentalists are calling for authorities to investigate Pacific Lumber and one of its loggers for manslaughter.

Chain was with a group of protesters in a forest area near Fortuna, California, trying to persuade loggers not to cut down the giant 200-year old trees. Chain died when a giant tree was cut down and crushed him.

Earth First issued a statement saying, "the loggers were aware that activists were in the woods and deliberately felled trees in their direction."

The group says that "loggers were felling trees perpendicular to the hill rather than downhill in an apparent attempt to target activists."

Pacific Lumber says the death of Chain was accidental. Pacific Lumber President John Campbell says the logging crew did not see anybody in the area and had no idea Chain was standing nearby.

"They felled a tree and apparently heard some yelling, and then the feller was cutting the tree into segments when the body was found under a limb," Campbell says.

But Richard Jay Moller, a Redway, California lawyer affiliated with Earth First, calls Pacific Lumber's contention that the loggers did not see anybody in the area an "outrageous lie."

Earth First protesters had videotaped the protest before Chain was killed. The videotape shows the logger who later cut down the tree that killed Chain. The logger, identified only as "A.E.," is heard yelling obscenities at the group of activists and threatening, "Go get my saw, I'm gonna start fallin' into this f— draw."

Saying that none of the witnesses believed A.E. wanted to kill Chain, Moller called for a manslaughter prosecution against the logger, A.E., and a manslaughter investigation into the company.

"Virtually all of the witnesses believed, based on A.E.'s words and actions that day, that he was trying to scare them and was intentionally dropping trees in their direction," Moller says. "If the eyewitnesses are believed, that conduct is sufficient to constitute manslaughter."

Cleaning Up GE's Mess

BOWING TO GROWING PUBLIC PRESSURE, General Electric agreed in September to pay \$200 million to settle allegations that it polluted the Housatonic River with chemical releases from its Pittsfield, Massachusetts facility.

Federal officials alleged that the company disposed of polychlorinated biphenyls (PCBs) and other hazardous substances in the river.

The Environmental Protection Agency (EPA) had been conducting a public campaign in recent months to get GE to settle the case. GE has vigorously denied that

PCBs pose a health hazard.

But under the agreement, GE will remove contaminated sediments from the one-half mile of the Housatonic River nearest the GE plant. Through a cost-sharing agreement, GE will also fund much of the anticipated cost of an additional 1.5 mile-river cleanup to be conducted by the EPA.

"I am pleased that General Electric agreed to clean up the massive PCB contamination they have caused in Pittsfield," says EPA chief Carol Browner. "It's high time to begin the clean up of the Housatonic River and take action to protect the health of the community."

General Electric has come under heavy fire from shareholder activist groups, environmentalists and federal enforcers for its intransigent stance on cleaning up PCBs in the Hudson and Housatonic Rivers. The company has been adamant in its refusal to admit the PCBs pose a health risk and to clean-up its mess.

ADM Execs: Convicted

THREE FORMER EXECUTIVES of Archer Daniels Midland (ADM), including the son of ADM chairman Dwayne Andreas, were convicted in September after seven weeks of trial and five days of deliberation in a federal courthouse in Chicago.

Michael Andreas, Terrance Wilson and Mark Whitacre were all found guilty of a worldwide conspiracy to fix the prices of lysine.

Federal prosecutors were elated with the verdict.

"The jury's verdict convicting these executives of fixing prices sends precisely the right message," says Joel Klein, head of the Justice Department Antitrust Division.

Fritz Dujour, a juror, told the Chicago Tribune that the extensive videotapes of confidential meetings involving ADM and its competitors were critical in swaying the jury "If they didn't have those tapes to show that Andreas was taking part in those meetings and Wilson was taking part in those meetings, they would not have been found guilty," Dujour said.

Dujour told the Tribune that the jury had a more difficult time convicting Whitacre, who was the former FBI mole who made the video and audio tapes.

In 1996, ADM pled guilty to price-fixing charges and paid a \$100 million criminal fine. The jury never heard of that guilty plea.

Michael Andreas was a senior ADM vice president and was slotted to take over the company from his father, Dwayne Andreas, the current chairman. Wilson was head of ADM's corn-processing unit. Whitacre, a former ADM executive turned FBI mole, is currently serving a nine-year prison sentence for embezzling from ADM while he helped FBI agents tape record the price fixing meetings.

All three men face three years in prison and millions of dollars in fines.

— Russell Mokhiber