

The Headwaters Forest pepper spray trial is fast approaching, and it couldn't be a more pivotal time! Recall the shocking TV news footage: Humboldt County police forcing pepper spray-soaked Q-tips into the eyes of nonviolent protesters at sit-ins for the protection of the ancient redwoods of Headwaters Forest in Northern California. The 1997 incidents drew international outrage and condemnation. The ACLU called the officers' actions "tantamount to torture." Over the last seven years we've successfully fought numerous legal obstacles, from a biased Judge and venue in the heart of timber country to scrutiny by the US Supreme Court. A recent ruling has moved our trial to San Francisco with a new Judge. This September 7<sup>th</sup>, 2004, in a San Francisco federal courtroom before Judge Susan Ilston, our case will finally have a fair trial!

We have a good chance of prevailing with the same legal team that won a stunning jury verdict last year for Earth First! activists Judi Bari and Darryl Cherney against the FBI and Oakland Police. In addition, earlier court decisions have created case law, which strengthens our position before the jury. We need your tax-deductible donation to seize the opportunity to obtain justice. Even though our expert civil rights lawyers only get paid if we win, we still face thousands of dollars in trial support costs. Creating a temporary office and outreach to the press and the community are critical to the success of the trial.

Also, we need you to come and witness the trial. A courtroom full of people who want pepper spray torture stopped can make a huge impact! Recent global events have illustrated that police abuses spread when authorities decide certain groups and individuals don't deserve human rights protection. Shockingly, state officials have condoned what police did to us by incorporating these practices into guidelines for dealing with civil disobedience in California! This case can turn that around.

A dramatic election year is upon us, and the world is watching. Stand with us against police brutality! Defend your rights—send your tax-deductible donation today!

Sincerely,  
Spring Lundberg, Terri Compost, Mike McCurdy,  
Sam Neuwirth, Maya Portugal, Lisa Sanderson-Fox,  
Jennifer Banka Schneider, and Noel Tendick.

## Headwaters Pepper Spray Trial Starts Sept. 7

### Come and Witness the Trial!

The **Federal Building** is at 450 Golden Gate Ave. between Larkin and Polk Streets near the Civic Center Bart station In Judge Susan Illston's Courtroom In **San Francisco, CA**

To help support the Pepper Spray Case: Send you check or money order to: Pepper Spray Fund c/o Trees Foundation PO Box 2202 Redway, CA 95560 or online at: [www.nopepperspray.org](http://www.nopepperspray.org)



A group of nonviolent forest defense activists in Humboldt County who were tortured with pepper spray by county sheriff's deputies sued the county, the sheriff and his chief deputy, and the City of Eureka for using excessive force. A 1998 trial in San Francisco ended with a hung jury and then dismissal by the judge. After five years of appeals, the U.S. Supreme Court and the 9th Circuit Court of Appeals overruled the judge and ordered a new trial, which the judge then set for May 12, 2003 in Eureka, California. The 9th Circuit granted our emergency writ to remove the judge for apparent bias and canceled his relocation of the trial. Although the defendants have appealed once again to the Supreme Court to overturn that decision, our new judge has set a retrial date of Sept. 7, 2004.

"I'm joining this case in smoldering anger because applying the noxious ... pepper spray was torture. This case will be vigorously prosecuted and it will be a political trial, and I'm proud of it."

— *J. Tony Serra, attorney for plaintiffs, San Francisco Examiner, 1/24/2003*

