



Leonard Higgins after he closed a block valve Oct. 11 on Spectra Energy Corp.'s Express pipeline in Montana.



PHOTOS COURTESY OF CLIMATE DIRECT ACTION

Higgins is escorted from the site in handcuffs. He had shown the deputies the bolt cutters and broken chains and explained to them what he had done.

## Out of options

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The plot to stop the flow of Alberta Tar Sands oil was hatched among a group of friends and fellow climate activists earlier this year, not long after they had all participated in the Break Free from Fossil Fuel events in Anacortes, Wash.

All five of the Valve Turners live in Oregon and Washington, and all had become increasingly frustrated with the failure of the U.S. government to take actions to steer the country away from the impending climate catastrophe.

The activists wanted to escalate their actions.

"In the Pacific Northwest, we've been whack-a-mole fighting the huge number of proposals for fossil fuel infrastructure, and one at a time, stopping them," Higgins said, "but that doesn't even start to get to the fact that we need to begin ramping back on emissions."

He said society's overall complacency to the changing climate is an example of the bystander effect, famously demonstrated in Bibb Latané's and John Darley's 1969 experiment. The subject of that experiment was told to fill out

paperwork in a waiting room. As they sat there, the waiting room slowly began to fill with smoke. Other people in the room had been told to act as if nothing was wrong. In each trial, the subject looked around the room to see if anyone else was alarmed, and upon seeing complacency, 90 percent of the time they did nothing.

"It's an emergency, and people are not acting as though it is an emergency, and so people don't believe that there is one," Higgins said.

He and the Valve Turners hoped their actions would alert others to the urgent need to take action to roll back emissions.

"We are already in climate catastrophe, and we are headed into much worse," said Klapstein, one of the two Valve Turners deployed to Minnesota. "Our political system has proved itself unwilling and unable to deal

with it. It's utterly unresponsive."

As an activist who's been in the climate fight for some time as a member of the Seattle Raging Grannies, she said she feels she has run out of legal options. As an older retired person, she said it's her obligation to put herself and her body on the line.

"I don't have a job to worry about anymore; my kids are grown and independent," she said. "There is nothing more important to me than trying to ensure there is some level of habitability on this Earth for my children, all children and all future generations. If we don't turn it around now, there won't be future generations. We have gone so far down the road with climate change that civilization collapse is very nearly inevitable at this point, at some point in this century, and if we keep going down this road, I think human extinction becomes more and more probable. We will no longer exist as a species, and I find that beyond horrifying."

Klapstein is facing felony charges punishable by up to 20 years in prison for her part in the pipeline shutdown.

The Valve Turners' desperation is at the core of their legal defense. Before they closed the valves that morning, they already had a plan for their criminal defense. They hope it will set precedent for other activists.

Two law firms specializing in the representation of nonviolent activists are coordinating with the Climate Disobedience Center and defense attorneys in each state to put together a uniform necessity defense.

Cooper Brinson is an attorney with one of those law firms, nonprofit Civil Liberties Defense Center in Eugene, which has represented more than 2,000 nonviolent, disobedient protesters since it was founded 13 years ago. Its primary client is Ward, who is facing up to 30 years in prison and \$46,000 in fines for shutting down the pipeline in Washington.

Brinson explained there are three components to qualifying for the necessity defense:

First, the defendant must show they were facing "serious, imminent danger or harm," he said. With a lineup of climate scientists and other experts they hope to pull from for testimony, they believe they can prove that climate change poses that threat.

Second, they have to show that they believed the action they took would avert that danger in

some capacity.

Finally, the defendants must also show there were no legal alternatives to address the harm. "For the last 50 years," he said, "people have been asking nicely, and things have only gotten worse."

The Valve Turners say that if the pipes they shut down remained off, it would put the U.S. on track with emission reductions that former NASA climate scientist James Hansen and current NASA scientist Pushker Kharecha say could help to avert climate change from leading to an uninhabitable Earth.

Foster pointed out their recommendations alone may not be enough because climate change is an uncontrolled experiment.

"But anything less than that amount is a crime against this generation and all life to come," he said.

If the necessity defense gets them off the hook, it will be the first time it has worked in a climate activist case in the U.S.

The Climate Defense Project, a legal startup founded by a group of Harvard Law graduates, is working with Brinson's firm on the Valve Turners' defense.

The Climate Disobedience Center, founded by several people involved in the pipeline shutdown, argues on its website that if the necessity defense can be applied to climate activists, it could be a powerful tool for change.

But it has only worked for a climate activist once, in the United Kingdom in 2008.

However, activists have been found not guilty for reason of necessity in the past for protesting nuclear weapons, CIA recruitment and apartheid.

The Valve Turners, who are all out on bail, plan to take their cases to trial, coordinating with climate activists in each jurisdiction to hold events in conjunction with their court appearances.

"We've been so careful not to appear as alarmists, I think that we've gone too far in the other direction," Higgins said.

"It's so clear that we're losing our life support system, and it's really at a visceral level of trying to break through that complacency that so many of us have been living in for these decades," he said. "We don't have decades anymore."

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**LEONARD HIGGINS,**  
CLIMATE ACTIVIST AND VALVE  
TURNER

### ONLINE

Visit [ShutItDown.today](http://ShutItDown.today) to learn more about the Valve Turners or to contribute to their legal defense fund.