



After closing the valve on Enbridge Inc.'s pipeline in Montana (formerly Spectra Energy), Leonard Higgins chained and locked it in the off position. PHOTOS COURTESY OF CLIMATE DIRECT ACTION

HIGGINS, from page 10

years without any meaningful result.

But judges in three out of the four states where the Valve Turners were arrested, including in Montana, denied their request to use this defense.

In June, a Skagit County, Wash., jury found Ward guilty of second-degree burglary, and he was sentenced to two days in jail with credit for time served, along with 30 days of community service and six months' probation for shutting off Kinder-Morgan's Trans-Mountain pipeline in Anacortes.

In February in North Dakota, Michael Foster, a mental health therapist who shut off TransCanada's Keystone pipeline in Walhalla, received the harshest sentence – three years in prison with two years deferred – after being found guilty of misdemeanor trespass, felony criminal mischief and conspiracy to commit criminal mischief. He was taken directly into custody from his sentencing hearing, and will have his first parole hearing in May.

But in Minnesota, Judge Robert Tiffany ruled that Valve Turners Emily Johnston and Annette Klapstein would be allowed to argue the necessity defense during their trial, which is expected to begin as soon as this summer.

In an unrelated case, a judge in Washington has also ruled to allow the necessity defense in the case of the Rev. George Taylor, who in September occupied train tracks in Spokane in an effort to block oil trains with the activist group Veterans for Peace.

If the necessity defense works in either of these cases, Higgins said, it would set a "huge precedent" for climate activists.

"It not only makes it more likely that activists are going to be able to use that defense and prevail with that defense in court; it also makes the activists who consider civil disobedience feel safer in taking the action," he said. "I think it also undermines the repressive legislation that's being proposed and passed in some states trying to equate pipeline or other kinds of fossil fuel

infrastructure protest with terrorism."

On March 27, a West Roxbury District Court judge in Massachusetts found that protesters who had interfered with pipeline construction in 2016 were "not responsible" for reasons of necessity. However, because their crimes had been downgraded to civil infractions, the case cannot be used as precedent in criminal court.

Higgins' attorneys have filed an appeal in his case, primarily based on the judge's denial of the necessity defense.

If Higgins follows the law and the terms of his probation, he can have the felony charge removed from his record after three years, according to the Chouteau County District Court clerk.

He said that while the sentence will influence his approach to climate activism moving forward, "because we have so little time to respond and have a chance of avoiding the worst, it won't rule out civil disobedience."

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Which doughnut is named after Elvis Presley's entourage?

Print answer here

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