

Portland 'Valve Turner' spared prison

Leonard Higgins will pay restitution for his climate activism in 2016

BY EMILY GREEN
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Leonard Higgins, 66, is not going to prison for his role in the most expansive takeover of fossil fuel infrastructure ever attempted in the United States.

On March 20, a district court judge in Chouteau County, Mont., handed Higgins a three-year deferred sentence, along with a \$4,280 bill for restitution and court fees.

It's welcome news to Higgins, who was convicted of felony criminal mischief and misdemeanor trespass in November for crimes he traveled from Oregon to Montana to commit in 2016.

Higgins and four other climate activists, known as the "Valve Turners," stopped the flow of Alberta Tar Sands oil from coming into the U.S. when they manually shut off five pipelines in four states bordering Canada the morning of Oct. 11, 2016.

The prosecutor in Higgins' case was seeking a 10-year sentence, with all but 60 days suspended, for the felony and a six-month sentence, with all but 30 days suspended, for the misdemeanor. The

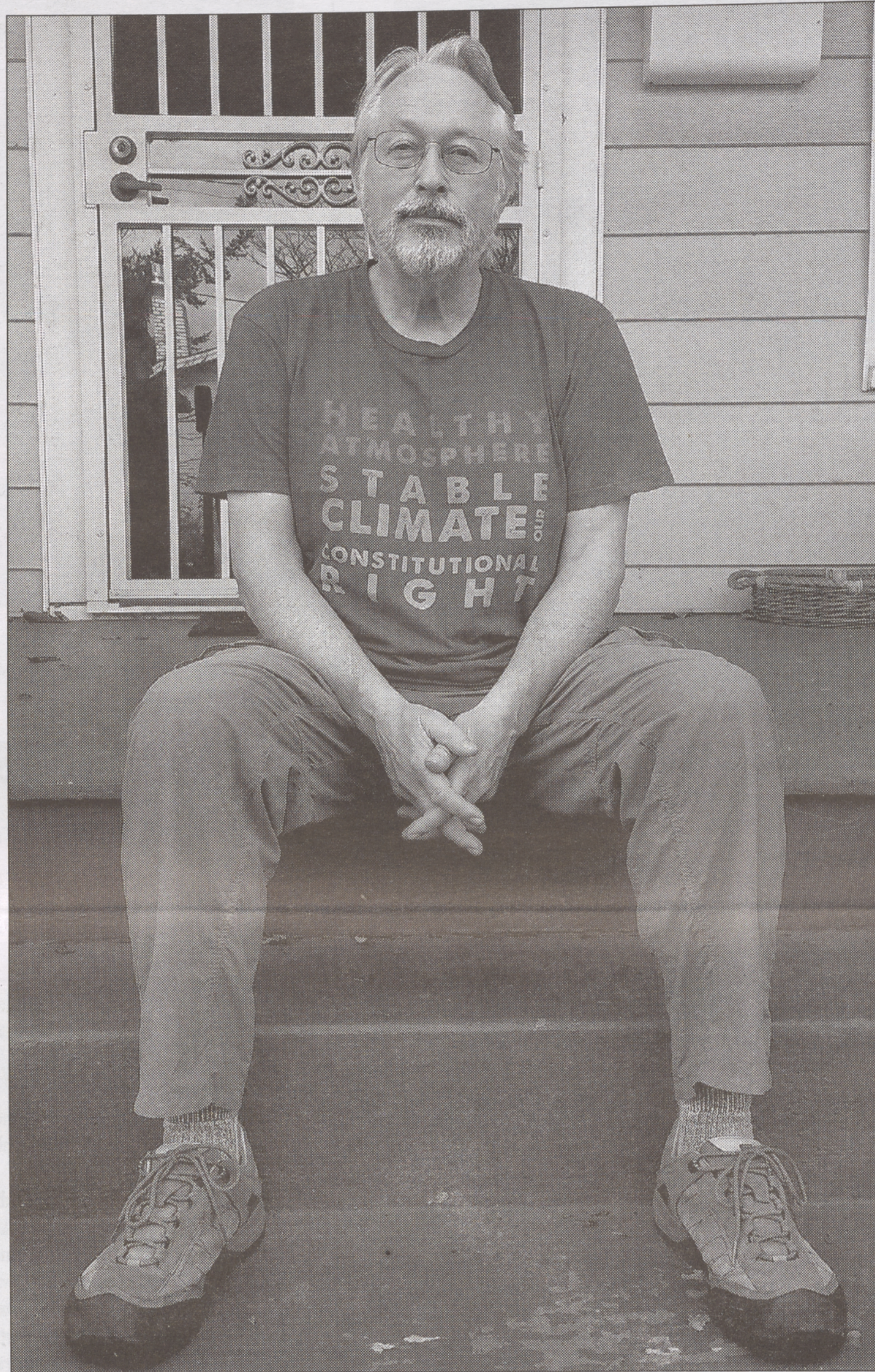
prosecution also sought \$25,630 in restitution to cover the damage caused to Enbridge Inc.'s property (Formerly Spectra Energy), as well as labor associated with Higgins' actions.

Higgins, a retired state IT manager and lifelong Oregonian, said he arrived in court with nothing more than his driver's license, his insurance card and some cash for commissary in his pockets, expecting he would be going to jail for anywhere from 30 days to several years.

"I'm finally starting to wrap my arms around the fact that I'm not in jail," he told Street Roots as he traveled by train to Eugene three days after his sentencing hearing.

The presiding judge, Daniel Bouche, was not available for comment. However Higgins' fellow activist and accomplice Ken Ward reported live from the courthouse via social media that Bouche said he handed down a light sentence because the crime was nonviolent in nature, and Higgins had no prior criminal record.

The Valve Turners' synchronized pipeline shutdown was a highly orchestrated and publicized event, with documentarians on site at each valve to film the closure. A command center in Seattle made calls to



FILE PHOTO BY EMILY GREEN

Leonard Higgins, convicted on felony and misdemeanor charges for his part in the shutdown of five oil pipelines in 2016, has received a deferred sentence that spares him from prison time.

DOCUMENTARY SCREENING

The Hollywood Theater on Northeast Sandy Boulevard will screen "The Reluctant Radical," a documentary about Leonard Higgins' fellow Valve Turner Ken Ward, of Seattle, at 7:30 p.m. April 21 as part of Portland EcoFilm Festival.



Ken Ward

ONLINE

Read Street Roots' previous coverage about how the five Valve Turners stopped the flow of Alberta Tar Sands oil into the U.S.: news.streetroots.org/valveturners

each of the energy companies that operate the pipelines moments in advance, giving them the opportunity to turn off the valves remotely before locks were broken and manual shut-off cranks were engaged. In each case, the company declined.

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 to bring more attention to the climate crisis. Part of their plan all along was to take their cases to trial using the necessity defense. This defense strategy can be used when a judge allows a jury to consider it in their deliberation. To qualify for this defense, the crime committed must

meet the following criteria:

- The harm that would have resulted from obeying the law would have significantly exceeded the harm caused by breaking the law.
- There was no legal alternative.
- The respondent must be in danger of imminent physical harm.
- There must be a direct causal connection between breaking the law and preventing the harm.

The Valve Turners lined up a host of scientists to testify about the effects of Earth's climate crisis and prepared to demonstrate how they'd been advocating for action on climate legally for

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LEONARD HIGGINS
VALVE TURNER CLIMATE ACTIVIST

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