

Suzanne Savoie (D) sentencing May 31, 2007

Government atty John Ray:

Says will be brief and will present one witness:

Witness is Steve Swanson, President of Swanson Group:

Swanson Group is parent company that owns forest products companies which engage in activities like processing raw logs into plywood, helicopter logging, wholesale distro of products, etc.

Swanson was office manager for Superior Lumber (SL), in 1989 became the general manager, and in 2001 became the president of Superior Lumber/Swanson Group.

Government plays powerpoint and shows SL office headquarters with date of arson – Jan. 2, 2001. Swanson says he was on vacation when he got the message about the arson from his mother. Then SL's VP called to say damage was more severe and that the fire started in more than one place.

Swanson says it was "real obvious" that there were two points of origin of the fire. Govt shows photos of two points of origin, one on east side of bldg and one on west side of bldg. Govt shows photos of damaged sales office. Swanson says damaged desk was specially designed for his cousin in a wheelchair....more photos of damage... Swanson says media told him about communique. Govt shows excerpt of communique.

Bldg was not totally destroyed by fire in part b/c all volunteer fire dept was able to contain it. Plus the building was new and had fire walls. Financial loss was more than 949,000. All financial loss was covered by ACE insurance except deductible of \$5,000.

Swanson says arson was "total shock" b/c it was "small family owned company" and there had been "no previous threats." He does admit there had been an "uproar" over logging in the Applegate Valley. Swanson says SL was largest purchaser/harvester of BLM lands in 2000.

Swanson says impact is beyond financial and is "profound" on people and a "real shock" because they realized they were "target[s] of an arson fire." Swanson says employees had to cram into office and into a rental house. Salesmen used their cars as offices and sold lumber that day. He says biggest concern was not making payroll b/c his employees are working class people and they need their paychecks. He says "one

of his proudest moments" was when the employees would not stop working and they made payroll on time. Says response of Glendale community was very supportive – Swanson born there and lived there his whole lives and son goes to high school there.

Swanson says personal effect was "quite devastating" and that his wife was "severely traumatized." Family hired security specialists and put up security system for their home and "felt invaded" years later. His family wondered if they would find "a device" under their car tires and if there would be a violent attack. Company rebuilt office in 9 months.

Govt atty John Ray

Gets judicial notice of Meyerhoff sentencing presentation on Jefferson Poplar Farm (JPF). Defense does not object.

Govt lists Savoie's previous activist actions: attempting to stop fox hunts in UK, multiple illegal genetic engineering activities, Seattle WTO protests, attended all 5 book club meetings

First arson (SL); Jan 2, 2001; included Ferguson, Tubbs, Meyerhoff, and "her boyfriend" McGowan. Govt says she assisted McGowan in writing the communique

Second arson (JPF): included McGowan, Block, Zacher, Meyerhoff; she researched beforehand with McGowan; loss around \$1million

Govt highlights JPF communique language on pending legislation.

Govt asks for depart 2 levels for minor role and depart for substantial assistance (doesn't give specific number yet)

Govt says she was particularly helpful for the government regarding the book club meetings.

Govt's 3 points:

1. Says they never received pressure from D.C. to make it a political case.

Says case is not about politics nor ego.

2. Says govt recommendation is not overreaching and that some says it is not tough enough – speculates that "all victims" would say not tough enough sentence.

Says govt consulted with U.S. Atty General, D.A. in other states, and Operation Backfire taskforce to decide on sentence.

3. Says govt "never intended or attempted to label anyone as a terrorist."

Govt talks about L.A. Times article by Caroline Paul, J.P.'s sister: reads title and subtitle out loud: (My brother, the 'terrorist'. The government is distorting the word to get more notches in its gun.) and denies that those statements are accurate. Govt restates defense atty quote that TE is like a roller coaster but says govt has responsibility to adhere to guidelines and believes TE applies. But he says that the govt looked at the sentences with TE and thought the sentences were "unfair." Asks for 63 month sentence. restitution of \$1,944,003.80.

Defendant (D) Attorney

D atty says he has never alleged that it is a political case and atty says that he told D that he represents individuals not causes, says she accepted personal responsibility immediately.

Says she was lookout at SL and lookout and driver in JPF, but in 2001 believed it was counter-productive and wrong, now she is trying to be a good citizen and works with developmentally disabled adults, lives a peaceful life.

Says D grew up in So Cal and watched precious places get paved over. Says consumerism is unsustainable and she was caught up in ferment of young intelligent dedicated people and just caught up in the times.

After arsons, D "walked the walk" (I think he meant "walked the talk"). SHE TURNED HERSELF IN. D atty says D had to reveal other people's roles "of necessity" and that it was "just the nature of the system" although it was hard for her to snitch on other people

D atty says D has been called "traitor," "rat" and "snitch"

Says that plea agreements have been posted online, and that discovery is floating around OR in contravention of discovery policies.

Says that husband has been "targeted" as an informant even though he has never talked to the FBI.

Says she has been labeled and will continue to suffer from this and the plea deal does not fully recognize this

Reads from communique about "tampering with nature" in reference to GE trees. Goes on to talk about the inter-related web of life. And while that does not justify her actions, we should all be concerned.

Wants lesser sentence and notes that judge didn't apply TE to Superior Lumber
re: Jeff Poplar

says motivation was protecting interrelatedness of nature although not "pagan nature worship" and says she did not author communique, so says clear and convincing motivation not there for JPF. (He gives the best eco talk we've heard yet.)

D attys says he challenges restriction of 1st amendment rights under the "no contact with activism" provision of probation b/c overbroad

D's atty asked for 30 months and says she is sorry for involvement and effect on people affected and she's willing to pay the price

Judge Aiken

She wants proof besides debriefing that Savoie had motive in JPF

Jane (Jan?) Wright – D's mother-in-law

Was appointed guardian after arrest, Peace Corp volunteer in Africa, didn't know Suzanne until after arsons, says D is gentle, non-threat, not a militant person that demands that other people agree with her, responsible for her actions. Says her work shows her patience and deep respect for people she work for, works with dignity and grace. Says as a mugging victim at knifepoint, so she knows the feeling of being afraid. Says D believes life is sacred.

Says D's reformation began when she left Eugene, and she still cares but uses legal methods now.

Says D made realization that her actions were wrong on her own, and that she has a lot waiting for her at home.

Annette Savoie – D's sister

Says she is nonviolent; not a threat; dedicated to peaceful life; sorry for past mistakes; they shared same bedroom for 15 years and are very close in age; were on swim team together and were lifeguards; will deeply miss her. Cried a lot.

Luke Ruediger (Ruddher?) – D's husband

They got married last June; homestead/farm/rustic woodworking/forest restoration/alternative energy together with dog and cat in mountains.

"My wife is an activist not a terrorist."

Says past is history, and during their relationship she has been involved in legitimate and legal activism only. Asked to see past politics and rhetoric and see her for who she is. Asked for sentence that causes least destruction to family and that reflects who she is today.

Joy Dong – D's biological mother

Is hospital respiratory therapist for 39 years. Says she is in as much pain as her daughter and apologizes to Swanson (logging company owner) and his employees and his family. Says their family moved to rural area when D was 3 months old to let her know nature, and raised their own meat and butchered at home – she expresses worry that killing animals led to D's beliefs.

D was a girl scout for 8 years, 12 years on swim team, junior olympics, intelligent and introspective, drummer in a band, gardened, traveled, camped.

Says D now lives meager subsistence and is not materialistic, is a hard worker and makes own furniture.

Says humans overuse resources and overspend and are not fulfilled by their work but by the passions we acquire.

Says it is drastically important to save our forests; she says growing up in L.A./Orange County, CA you recognize the importance.

Says D fully cooperated with FBI from Day 1 and wasn't arrested but instead turned herself in. Says D has been ostracized from friends in activism community. Says father and other family couldn't be there for financial reasons. Says D is remorseful and sorry and actions were misguided.

Govt Atty

Says clear and convincing because 1. Attachment A (1?) to plea agreement detailing involvement, acknowledged full participation, recon, was at planning meeting, drove from Olympia to Clatskanie, and helped with communique 2. Ferguson statement that Savoie did recon of JPF 3. Philabaum statement that said D present during planning meeting 4. Block statement that all participants were at his home and all discussed the communique and discussed finalization of communique 5. Zacher statement that says one other female present at discussion of communique, and D is the only other female 6. Communique itself

D's Atty

He says TE with downward departure of 5 is better for Savoie than no downward departure. Better to have TE than the 60 months called for by mandatory minimums

D's Statement

Full responsibility; regrets pain and potential danger to firefighters; no unlawful activities; enter new area of life; exclusively uses legal means; prison time will be used for education; always nonviolent and want to save last wild areas; feels it is wrong to use arson b/c not effective for public change; actions came from place of environmentally motivated compassion

Judge

Says parents give "roots and wings." Says D is one of most intelligent in courtroom; articulate; smart; Phi Beta Kappa; caring and intelligent -- no debate about that

Says Swanson (logging company owner) was raised in similar way, is concerned about the environment and works for sustainable lifestyle by providing jobs to the community (!!)

Says we're in crisis, needs to be said and respected and "we need to take action"

Says we need to move ahead "before time runs out"

Says that what desperate people have done has made it hard for others to speak out

Says Time Magazine (?) gave us 10 years. We now have 8 years left before tipping point and "I understand the passionate urgency you felt as a young person."

Says D was "caught up in that dangerous escapade" and that it is a puzzle to her and to D's parents that judge can't solve b/c parents gave D what she needed and D can't blame her parents.

Says "thank goodness" D made choice to walk away.

Says D should reflect on what sparked her actions b/c "it's a puzzle."

Judge starts bouncing a big red "kickball" with writing all over it on her desk!! Says she spends time with young people. The writing is the young people's dreams.

Judge tells story of "Red Ball" about kid in PA in 1967, mad in school, life in chaos, neglected by his parents who pulls himself up by his bootstraps, is short but

wants to work for the NBA, now speaks 5 or 6 languages and works for Nike. (It is a long story that involves parental neglect, a trip to GA, a friendly neighbor, a bus ride back to grandpa, finds ball in playground, etc.) He is the guy who came up with the "Live Strong" bracelets. Judge says how children must have a dream and be kind and generous – find what gives you joy and happiness.

Says to set a goal and go after it. (She held the ball up on her fingertips the whole time and then tossed it over her shoulder when done.)

(Steve Swanson was seen crying a bit.)

Judge worries that ELF D's had so much given to them and didn't take responsibility and instead were immature, self-centered, arrogant, and self-righteous

Says D must repay community by telling kids what it means to make bad decisions by following crowds, by following "bad boyfriends," etc....

Says reading D's sentencing documents is like "mind pollution." Waste of a person, D should have known better.

Says D's mom "beyond shocked." Parents are only as happy or satisfied as their kid that is the most happy or satisfied.

Refers to D's previous actions as who she was.

Asks D why she didn't call people that cared most about her.

Judge says people are trashing her and that they used her and that they thought: "Phi Beta Kappa, hey we got a smart one." Says people who D thought were her friends aren't here now.

Judge sentence: 1. hold accountable for criminal behavior against individual in community; 2. give back to community, contribute; 3. take responsibility

Judge says it's not enough to live simply, D must also teach children and says we must "quit pretending someone else is going to fix it." She says "how are we going to leave this place better for the next generation." Living sustainably is not enough. Teach young people to not limit their future options with criminal behavior. Says not with destruction and fire.

Judge says next round of cases will be different and that these cases are intended to send a message that "it is the law of this country that we will not fight our battles using violence and violent means" Says that's what country was based on.

Judge says she respects D's self-surrender and informing on other people and has no doubt her family will support her and that they will be sentenced right along with her and "that's the level of empathy in this courtroom."

Judge wants her to write down experience so others can benefit and judge has no doubt D has made law-abiding commitment. Judge reads from a written statement she prepared that says arson as a tactic is a failure and can't persuade people with destruction.

Judge keeps repeating that D is Phi Beta Kappa (an honor society you are accepted into if you get good grades in college)

Sentence

SUPERIOR LUMBER : 6 base; 13 loss; 2 planning; less 2 minor role is 19 total; not TE b/c government not target/not mentioned in communique

JEFFERSON POPLAR: 6 base; 13 loss; 2 planning; less 2 minor role; 12 for TE under § 844 (i) is 31 total.

Judge says communique had message to government so she gets TE

Then judge says:

"Application of enhancement is not meant to label you as a terrorist."

COMBINED OFFENSE LEVEL is 31, gives up 2 b/c of intent to coerce at JPF, minus 3 for accepting responsibility...total is 30.

**For first time, judge says criminal history significantly over-represents D b/c of D's lack of uncharged action, lack of involvement with other D's, lack of drug selling, lack of illegal firearm possession, etc. so her criminal history level is 2

So range is 108 to 135 months and govt asks for down depart to 25 (5 levels) and judge give discretionary 5K1.1 departure down 2 levels [for self-surrender; removal from other co-D's; timely cooperation; and consequences of her cooperation] to total 23; CH II, which is a range of 51 to 63 and gives her 51 months concurrently for arsons and conspiracy

PSR Writer: says D is open and honest, and not painting an overly favorable picture of herself, and her acceptance of behavior is not seen very often

Judge Says PSR writers don't generally speak up for D's.

Thanks D for person she was raised to be, and says it is a sad day to send talent away.

Says we must fight for hearts and minds of our children and she implores D: "you have to give back."

D must pay restitution, has same general terms of 3 yrs sup probation as others, no fine, fee assessment \$1,500

D must self-report to Dublin July 2 at noon (assuming she gets that assignment)

D's Atty

Asks for money back that D's mom paid for bail and judge says probably have to wait for D to self-report to get it back.