

# Remaining ELF Defendants Plead Guilty

## But Refuse to Snitch

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A surprise plea bargain was announced at a November pre-trial hearing for four environmental activists charged with a variety of Earth Liberation Front (ELF) and Animal Liberation Front (ALF) actions which had been carried out since the late 1990s. The defendants were arrested between December 2005 and February 2006, as part of the FBI's "Operation Backfire," which sought to cripple major ELF and ALF cells.

Unlike the majority of others who have been charged, Daniel McGowan, Nathan Fraser Block, Joyanna Zacher and Jonathan Paul pled guilty in return for an agreement that government prosecutors would ask for reduced sentences with a specific provision that they would not be required to implicate other activists or testify against them.

With the exception of Briana Waters, the pleas given by the four end the possibility of trials for the accused ELF/ALF activists who are in custody. Eight people were arrested in December 2005 (including McGowan), one of whom later apparently committed suicide while in custody. In January two more were picked up (including Paul), while charges were announced against three more people who have so far avoided being taken into custody. In February, Block and Zacher were arrested, and in October two informants pled guilty to charges. (See previous Fall 2005 and Spring 2006 FEs for more information.)

The cases brought about intense resentment within the activist community after it was revealed that the arrests were largely based on one former radical, Jacob Ferguson, who had "turned" and become a government agent. He apparently wore a wire, and taped conversations with several of the others. The community's anger was further compounded when many of the defendants began co-operating with federal authorities.

The government is recommending that McGowan, Zacher and Block be sentenced to eight years in federal prison, while Paul's suggested sentence is five years. The recommended sentences for the others range from three to 15 years. However, it seems likely that officials will also seek an "enhanced" 20-year terrorism charge for the four, and possibly the others. Both the terrorism designations, and the potential sentences of life imprisonment for arson charges, have raised the eyebrows of civil liberties advocates.

Supporters are labeling the massive government effort to apprehend environmental and animal rights activists, and the impending inflated sentences for relatively minor crimes involving only property damage, as the Green Scare.

This is an analogy to the 1950s Red Scare, the campaign by the US government to destroy the Communist Party USA and intimidate its sympathizers (as well as an earlier attempt to disrupt the anarchist and early communist movement immediately after World War I).

It has not just been environmental saboteurs that have been rounded up, but animal liberation activists as well. The SHAC 7 were convicted under a little-known federal law called the Animal Enterprise Protection Act of 1992, which created the new category of "animal enterprise terrorism" by redefining acts of sabotage as terrorism. Additionally, it expanded the scope and sentences for anyone who "intentionally damages or causes the loss of any property (including animals or records) used by the animal enterprise, or conspires to do so."

Although this law was used on one previous occasion against saboteurs, the six activists recently convicted under it were never accused of any actions of sabotage or threats. Instead, they ran a website which merely provided information on the campaign against Huntingdon Life Sciences, who they accused of gross abuses against animals. (SHAC is an incorporated activist group called Stop Huntingdon Animal Cruelty USA Inc.) The SHAC7 have just started serving sentences of one to six years, although appeals are underway.

Even more disturbing is the recent passage of the Animal Enterprise and Terrorism Act (AETA), an update and extension of the older law. The bill passed Congress as groups like the American Civil Liberties Union refused to oppose it, although more left-leaning organizations such as the National Lawyers Guild did.

The repression against environmental and animal rights protestors, who have used illegal techniques, but not harmed people, are aimed at destroying the radical wings of these movements. ALF and ELF actions have gained a substantial base of militants and widespread sympathy, even beyond activist circles. This has alarmed the targeted industries, and in response they have pushed to both get these actions classified as terrorism, and to channel government resources into suppressing the new-found “terrorists.”

More information on those imprisoned for ELF and ALF actions, the SHAC7 and other “Green Scare” defendants, and details on how to support them, is available on websites such as:

[www.cldc.org](http://www.cldc.org)

[www.greenscare.org](http://www.greenscare.org)

[www.greenisthenewred.com/blog/](http://www.greenisthenewred.com/blog/)

and

<http://portland.indymedia.org/en/topic/greenscare>

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