

Ten ELF/ALF Activists Sentenced

Eight Given 'Terrorism Enhancements'

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In late May and early June 2007, sentences were handed down for ten activists who pled guilty to a series of Earth Liberation Front/Animal Liberation Front (ELF/ALF) actions.

In addition to jail time, eight of the activists also received a federal "terrorism enhancement," which allows for increased penalties of up to 20 additional years. The Civil Liberties Defense Center said this was the "first time in US history that the federal government" had sought "such a sentence enhancement for property crimes that neither intended nor resulted in injury or death to humans."

All ten activists were apparently members of the core West Coast ELF cell. Their charges cover 14 different acts of sabotage against companies engaged in acts of environmental destruction and animal cruelty, including the 1998 Vail ski resort arson and the 2001 torching of SUVs in Eugene, Oregon. The arrests, part of the FBI's "Operation Backfire," began in December 2005 and investigations are reportedly ongoing.

Six of the defendants cooperated with the authorities after their arrest, while the other four admitted guilt and gave details of their actions, but refused to incriminate others. In a related Washington state ELF case, three more activists have been charged. Jennifer Kolar and Lacey Phillabaum pled guilty, are cooperating with authorities and await sentencing; but Briana Waters pled innocent and is going to trial in February 2008.

The investigations and trials have been filled with Shakespearean drama—betrayal, honor, intrigue, mystery and suicide. Bill Rodgers, one of the original arrestees in "Operation Backfire" and the alleged center of the group, took his own life while in custody in December 2005. Three indicted individuals have eluded authorities: Joseph Dibee, Rebecca Rubin and Josephine Overaker.

Former ELF member, Jacob Ferguson (aka "Jake the Snake"), who broke the cell by informing on his former comrades while wearing a wire to entrap them, is being treated significantly differently by authorities. He is charged with one count of arson and another of attempted arson, and is expected to only receive probation despite his alleged participation in almost all of the ELF actions for which the others received sentences of up to 13 years.

The sentences handed down to the six cooperating defendants were:

- Stanislas Meyerhoff: 156 months (13 years) and the terrorism enhancement.
- Kevin Tubbs: 151 months (12 years, 7 months) and the terrorism enhancement.
- Chelsea Gerlach: 108 months (9 years) and the terrorism enhancement.
- Darren Thurston: 37 months (3 years, 1 month); did not receive the enhancement.
- Suzanne Savoie: 51 months (4 years, 3 months), and the terrorism enhancement.
- Kendall Tankersley: 46 months (3 years, 10 months); did not receive the enhancement.

The sentences given the four non-cooperating defendants were:

- Nathan Block and Joyanna Zacher: both received 92 months (7 years, 8 months) and the terrorism enhancement. (After their sentencing, Block and Zacher announced that they were reverting to their chosen names, Exile and Sadie.)
- Daniel McGowan: 84 months (7 years), and the terrorism enhancement.
- After a delay in his final sentencing, Jonathan Paul received 51 months (4 years, 3 months) but was not given the enhancement.

The National Lawyers Guild has stated that it “is deeply troubled by the government’s application of terrorism sentencing enhancements to environmental activists... The use of a terrorism enhancement in this case effectively punishes an act of arson more harshly on the basis of the viewpoint that motivates it; as such, we believe that it is intended to crack down on environmental activism more generally, by raising the fear that any misstep could lead to prosecution as a terrorist.”

During Daniel McGowan’s sentencing, it was revealed that there is an ongoing investigation into the activities of a Midwest ELF cell, and that the statute of limitations had not run out in two more Michigan actions. The government apparently secured the cooperation of one Ian Wallace and served grand jury subpoenas to at least two activists; however, the subpoenas were dropped when the two pledged against cooperating with the investigation.

In a separate case in Sacramento, three more activists were charged with ELF actions in January 2006; two have cooperated with the authorities and testified against their former ally, Eric McDavid. After a trial which included the testimony of an infamous undercover FBI plant (known only as “Anna”) who the defense alleged entrapped the activists, McDavid was convicted in late September and is facing 5 to 20 years at his sentencing in early December.

On a brighter note, the trial of animal rights activist Rod Coronado ended in a mistrial in late September after the jury was deadlocked. Even though he had previously announced his retirement from direct action politics, Coronado was charged with “demonstrating how to build a destructive device” after answering an audience question at a talk.

For more information:

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

www.cldc.org

<http://greenscare.org/>

To support the activists directly:

Daniel McGowan: www.supportdaniel.org

Briana Waters: <http://supportbriana.org>

Exile and Sadie (Nathan Block and Joyanna Zacher): solidaritywithsadieandexile-at-gmail-dot-com;

Jonathan Paul: friendscAonathanpaul-at-yahoo-dot-com



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<https://www.fifthestate.org/archive/376-halloween-2007/ten-elfalf-activists-sentenced>
Fifth Estate #376, Halloween, 2007

fifthestate.anarchistlibraries.net