

The Green Scare Goes On

...a punitive campaign to bring outrageous sentences

Fifth Estate Collective

The Green Scare continues with the plea-bargain and imprisonment of *Fifth Estate* writer Marie Mason, three new arrests in Wisconsin, grand jury appearances by activists Kevin Tucker and already-imprisoned Daniel McGowan, and the sentencing of Briana Waters.

The “Green Scare” refers to a series of recent arrests of earth and animal liberation activists (and the ongoing investigation and intimidation of the same) who have engaged in acts of property damage in which no one was hurt. The arrests have been marked by outrageous charges (activists often face life in prison), as well as the public and legal labeling of these acts as “terrorism.”

Mason, a long-time *Fifth Estate* writer and member of the IWW (Industrial Workers of the World) and Earth First!, agreed to a 15 to 20 year plea bargain in September. She was charged with two acts of eco-sabotage that occurred in 1999 and 2000.

Mason was turned in by her ex-husband, Frank Ambrose, who, since 2007, secretly cooperated with federal authorities, including wearing a wire in an attempt to entrap her and others. The FBI told the media that Ambrose recorded 178 conversations with Marie, plus other friends and activists in attempts to get them to incriminate themselves on tape.

Assistant U.S. Attorney Hagen Frank, said of Ambrose in a court filing that his cooperation “has been nothing short of remarkable, both in terms of the time and effort he put into it and in terms of its value to federal law enforcement.”

As a reward for turning in his wife and friends, the government is asking a federal judge in western Michigan to sentence Ambrose to eight to 10 years in prison, well below the 20-year maximum he would have received for his multiple offenses which caused as much as \$7 million in property damage.

According to the federal prosecutor, Ambrose’s assistance “enabled the FBI to significantly enhance its intelligence base concerning not only extremist activity in the upper Midwest but also concerning the methodology, the security culture and the psychology of ELF and related movements.” The wording of these phrases is the key here. “Related movements” can mean anything from anti-war groups to the Sierra Club in the twisted world of the emerging police state.

Mason originally was threatened with a life sentence if she contested the charges in court. Her co-defendants, Stephanie Fultz and Aren Burthwick, also pled guilty to lesser charges related to the same acts. Ambrose and the latter two arrestees live in the Detroit area.

Mason’s sentencing date is set for February 5, and she was expected to remain free on bail until then although she was confined to her mother’s house in upstate Michigan and required to wear an electronic tether as part of the bond condition.

However, in mid-afternoon, September 30, the government filed a motion with the federal court asking that Mason’s bond be revoked because she represented “a flight risk.” The motion was standard, but also contained several ominous aspects.

The government attorneys argued that the severe sentence she faces (from a minimum of 17 years to a maximum of 80!) could impel her to flee, but it's clear from the filing that the government is reading web sites devoted to defending Marie and other earth activist defendants, and used their contents as a further argument to immediately incarcerate her.

The government motion states that "there is the matter of Defendant's support network in the environmental extremist community, a community whose deep commitment to Defendant and to her 'cause' raises a legitimate concern that, should Defendant decide to flee, she would have access to a level of material support and assistance not apparent from a Pre-trial Services' financial affidavit," meaning essentially that the networks that are established to aid Green Scare defendants could function as an underground escape mechanism.

This is pure fantasy and purposeful invention since this has never occurred in any of the trials and subsequent sentencings anywhere in the country, and the government knows this. It's another exercise in its punitive campaign to bring outrageous sentences and conditions upon those convicted of breaking the law in these cases.

Although the first paragraph of the government brief for immediate jailing of Marie contained a sentence recognizing that her lawyer would disagree and file an appeal, it was designed to be filed near the closing time of the court that only allowed her defense attorney to respond after the court closed for the day. A Bush appointed federal district judge signed the remand order without a hearing, and U.S. marshals were dispatched to arrest Marie that evening.

The arresting officers apparently waited until Marie's mother left her house on an errand before entering to take her into custody. Her mother returned home to find its contents upended and Marie gone. Knowing that her tether restricted her to no farther than the yard of their home, Marie's mother began a frantic search of the neighborhood fearing her daughter had walked off in anger.

It was subsequently learned, following a day of not knowing her whereabouts (had she been declared an enemy combatant?), that she was incarcerated and finally wound up in the Clinton County jail in Saint Johns, Michigan where she is as of this writing. The town, ironically, is the birthplace of 19th century anarchist and feminist, Voltarine de Cleyre.

Marie is a vegan for ethical and environmental reasons, but also for health problems that were cured by her animal-free diet. According to her support committee, the federal courts recognize veganism as being protected by the First Amendment specifically by the Religious Land Use and Institutionalized Persons Act.

As of this writing in mid-October, Marie's right to a vegan diet is being violated by the Clinton County jail which does not have policies nor procedures to handle her dietary needs. It is the obligation of the government to provide Marie with these while she is in their custody awaiting sentencing.

So, why did the federal prosecutors suddenly spring this unnecessary arrest in a situation where it was unwarranted? Marie is not a flight risk and is committed to serving her term. The answer can be seen in government brief to remand. Its language refers to "Defendant's current status as a celebrity in the environmental-extremist world." This is a clear attempt to establish her prior to sentencing as an unrepentant, violent perpetrator, and a symbol for a movement, hoping this will encourage the judge to dish out the maximum sentence.

One side note about Marie's bond conditions. Most defendants, except in capital crimes, are allowed to post bail and continue their lives prior to trial under the assumption of innocence until guilt is proven. Confining Marie to her mother's house hundreds of miles away from her own home in Cincinnati meant she lost her job, her house, and was restricted from nurturing and spending time with her teen-age daughter at a critical time in her life.

The humiliating tether suggested she was a possible flight risk although the court allowed her numerous visits to her lawyer which entailed a 300 mile round trip. The government argued this was necessitated by the severity of her crimes and that she had "international contacts!" These restrictions could easily have set a precedent for other cases, since many activists have contacts in other countries, and many have visited them.

In other Green Scare news, Katherine Christianson, Bryan Rivera, and Aaron Ellringer were arrested in late July for a 2000 action against a U.S. Forest Service facility in Rhinelander, Wisconsin, where work on genetic-modification was being conducted. Alleged to have damaged research trees and defaced vehicles, they face 15 years in jail if convicted. Ellringer and Christianson pled not guilty at their arraignment.

Daniel McGowan was summoned before the grand jury that delivered the Rhinelander indictments. McGowan is currently serving eight years for two previous acts of property destruction; he was one of a minority of "Green

Scare” prisoners who signed a plea agreement in which they admitted guilt but refused to cooperate with authorities in providing information about other activists. After refusing to provide the information the authorities were seeking at the Grand Jury, he was originally charged with civil contempt, but the charges were eventually dropped. Afterwards, he was transferred to a higher-security prison in Marion, Illinois.

In September Kevin Tucker, a well-known anarcho-primitivist writer and editor of *Species Traitor*, was summoned to a grand jury in Erie, Pennsylvania to answer questions about acts of property destruction from 2002 and 2003. Tucker left after twenty minutes, apparently refusing to answer any questions.

In June, Briana Waters was finally sentenced; this had originally been delayed because of revelations of potential evidence tampering. Waters said she was innocent of charges alleging that she was a lookout in a 2001 action against an office at the University of Washington. One of the very few Green Scare arrestees who went to trial, she was convicted and sentenced to six years in prison and three years probation.

<http://www.ecoprisoners.org/>

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

<http://greenscare.org/>

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<https://www.fifthestate.org/archive/379-fall-2008/green-scare-goes>
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