Pivotal Moment in the Green Scare / Civilization sabotages itself

Contributed by David Rovics / Dmitry Orlov
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Editor's note: Associated Press reported from Eugene, Oregon that in Federal Court yesterday, attorneys prosecuting activists accused of setting fires to stop logging and the slaughter of wild horses compared the activists to "Klansmen's church burnings in the South." The judge appears to be agreeing, so as to treat the activists as "terrorists" and greatly increase prison terms; she is considering each defendant's charges separately for sentencing in the coming weeks. The AP headline on Yahoo: "Arsonists, yes. But are they terrorists?"

This is a story of major possible interest for the news-consuming public that rates big on both the environmental and political beats, but so far is getting little coverage in mainstream corporate media. As an example of Culture Change's finding neglected areas of potential journalism that are just under society's nose, we saw the following "activist alert" by David Rovics. He links the state of the besieged global climate to an activist-sentiment for direct, nonviolent action. Considering his column timely for our readers' weekly dose, our editorial circle saw it and a response came from Dmitry Orlov. See his companion piece after Rovics'.

The big question: are property destruction and interference in legal commerce "violence" and "terrorism?" The feds think so, and the English government did too when the Luddites surfaced two centuries ago and received capital punishment for destroying machines of factory enterprises that were depriving villagers of their craft-based livelihoods and communities.

My own view of direct action is that the climate is already spinning out of control so fast that people will be reacting strongly, physically, sooner than one might have expected even last year. Commonplace direct action will also be when the consensus of humanity says we have to make up for lost time in protecting the Earth, even though it may be too late. At least everyone will be pro-environment by then, and they probably will not recall the ELF "elves" who used sabotage to get a point across or delay some development that did violence to Mother Nature. Dmitry Orlov and I agree that with petrocollapse and climate chaos definitely on the way, it's important to deal now with our biggest questions for survival, and put everything into that harsh perspective. - JL

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Bill Rodgers died in a jail cell in Flagstaff, Arizona, fist raised above him, plastic bag over his head, of an apparent suicide, on the 2005 winter solstice. Two weeks before in Prescott, Bill’s baby, the Catalyst Infoshop had been raided by fifteen federal officers and he was taken away.

Bill was essentially accused of destroying corporate property. If he had been arrested for these crimes in, say, an EU country, I’m sure Bill would still be alive today. But the US is not the EU. The prisons of the US are full of nonviolent offenders, and there are special sentences for some of them. Bill knew that in America today, he could do like Jeffrey Luers and go to prison for a very long time. For Bill’s property destruction was politically – ecologically – motivated. Bill apparently chose to end his life rather than spend it in prison.

The last time I saw Bill was at the Catalyst, a few months before his death. We were sitting on (or more like enveloped by) some very old couches and someone was filming an interview for a local Cable Access program, I think. Bill was a couple years older than me, but with twice as much energy. He was small, intelligent, full of vitality, full of both good intentions and actions. He was an unassuming Prescott institution, along with the Catalyst Infoshop.

Bill was part of a sweep of arrests of activists around the US, and more broadly, part of the US government’s efforts to wipe out what it calls "ecoterrorism." To impose decades-long sentences (Jeffrey Luers was sentenced to a breathtaking

22 years) on people who have harmed no one, people who have essentially committed expensive acts of vandalism -- against the corporations that are destroying our world.

The term "ecoterrorism" was coined by a corporation, by a PR firm from New York. The laws passed by the Congress giving "ecoterrorists" extra decades in prison for their alleged crimes were, of course, like most laws in this alleged democracy, passed at the behest of large corporations.

At the beginning of June Daniel McGowan, Joyanna Zacher, and Jonathan Paul will be sentenced for their alleged crimes of property destruction. Next week, at the federal courthouse in Eugene, Oregon, a judge will decide whether the "terrorism enhancement" law shall be applied to these cases. If applied, each defendant would receive a mandatory sentence of 20 years on top of whatever other draconian sentence they will otherwise be receiving. In the same way communists were once singled out for special punishment, so now are "ecoterrorists." It's the new Red Scare, the Green Scare.

The May 15th court decision comes at an interesting time. Our country is waging an illegal war for oil in Iraq in which over 600,000 people have lost their lives. The ice caps are melting, the oceans are rising, and the federal government is invading oil-rich nations and giving tax breaks to Americans for buying Hummers. Last week, a Cuban man named Luis Posada Carrilles was let back onto the streets of Miami. A free man, though he is known to have killed 73 people by planting a bomb on a civilian airplane in 1976, among many other deadly crimes. And the man responsible for blowing up Greenpeace's ship in 1985 while it was docked in New Zealand, killing one, is now living in Virginia and selling arms to the US government.

But real terrorists like Posada are not our government's concern. International law, illegal wars and mass deaths of innocent civilians are just fine. Global warming is just fine. "Ecoterrorists" are the problem, the FBI's enemy #1, by their own admission. And in September, 2001 what was the FBI's biggest, most expensive ongoing campaign? Right. Not Al-Qaeda, but the nonviolent acts of property destruction carried out by the Earth Liberation Front.

Of course, Muslims are also the new bogeymen. Just as anyone in the 1980's who defended the sovereignty of nations in Latin America was called a "communist," now anyone defending the sovereignty of nations in the Middle East are called "terrorists" or "Islamists." There have even been transparently ridiculous efforts on the part of the State Department to link supporters of Hugo Chavez with Al-Qaeda. In the modern era, you don't even need to commit a crime or "conspire" (with FBI infiltrators/provocateurs) to commit a crime. You need only open your mouth.

Such is the case with devout Muslim university professor Dr. Sami Al-Arian, who has been in prison in Florida for years now. But this is also true of Sherman Austin, a young man from California who recently served a year in prison because someone posted a crude, easily-available smoke bomb recipe on his website.

And it is terrifyingly true in the case of Rod Coronado, who is being threatened with a 25-year prison sentence for a speech he gave in 2003 in which he answered a student's question about an action for which he served years in prison in the early 1990's.

There is a thread running through all of this – the war in Iraq, the criminalization of Muslims in the US and around the world, and the criminalization of environmentalists, particularly those involved with the activities of the ELF. That is, the interests of massive energy corporations. It was due to lobbying efforts by energy companies masquerading as the

pseudo-eco "Wise Use Movement" that led Bill Clinton to pass the 1997 law criminalizing speech, under which Rod Coronado is facing his shockingly draconian sentence.

Much, however, has been written by people with far more legal knowledge than I about the nature and technicalities of the various new medieval laws under which many good people are facing outrageous prison terms. I would like to take a moment to talk about the nature of the alleged crimes of many of the accused here. I don't know if they are "guilty" or "innocent" here and I wish them all the best either way. Our government has spent centuries framing activists for crimes they didn't commit, so if they are innocent and facing these charges, I would not be the least bit surprised. If they are guilty, however, I say good for them for having done everything of which they are accused.

I want to be very clear here that I am speaking only for myself, and I don't represent the accused, or any organization.

Having said that, who is the Earth Liberation Front? They are my friends, neighbors, colleagues, lovers. And (particularly given that you are reading this, and probably reading it because you're part of the progressive community that reads stuff written by people like me) they're probably yours, too. The names are irrelevant, the specifics irrelevant.

They grew up in North America, at a certain time in history, at the end of the twentieth century. Like most of our society, most of them came from the suburbs, they went to high school, they eventually went to college. Like many of the somewhat more privileged elements of our society, they traveled around the country as youths, they saw it, they drew certain conclusions, and they decided they had to act on these conclusions.

They grew up in places like Connecticut.

Growing up between the woodsy New York suburbs of Fairfield County and the smaller towns of Litchfield County, "Housatonic" was one of my first words. Since I was a child I was aware that I was not to touch this lovely river that winds through the town I grew up in because it was poisoned by PCB's dumped into it by companies like General Electric and Eastman-Kodak. This massive watershed has been poisoned since I can remember. For decades it was known by fishermen and those drinking the water and getting sick from it that the water was being poisoned, but nothing was done about it.

When I was young, Wilton, Connecticut was a suburb and had long since lost all of its farms, but it was a woodsy suburb. Like so many other towns around the US in the 70's and 80's, the woods were replaced each year by more and more houses, and what I thought of as my backyard got smaller and smaller. Part of my backyard was a 700-acre watershed with a reservoir in it, a local water supply. When I was a child it was always full, but by the time I was a teenager it was often nearly empty, as more and more people moved into the area and used more and more water, and as droughts started happening with increasing frequency.

The main road going through town was a two-lane road, Route 7, with woods lining much of it on either side. Later it became an unrecognizeable mass of parking lots and strip malls. As I grew up, left home, and started feeding my desire to see the country, I was appalled to find that most of it had already been destroyed far more thoroughly than Wilton.

I saw New Jersey, where much of my extended family lived, and south Florida, where one set of my grandparents moved to when I was a teenager. I couldn't believe people could live in these places, where what used to be the landscape was completely unrecognizeable, covered with asphalt, highways, parking lots, condominiums, and sports utility vehicles stuck in traffic as far as the eye can see.

And indeed, were the people really living? In such an alienating environment, more and more of them were turning towards pharmaceutical drugs in order to cope with this life they had inherited from the corporations. Time and again, the few who attempted to stop this "progress" -- this process of turning the world into a giant Wal-Mart -- were defeated, one community after another destroyed, physically, psychologically, the forests decimated, the common areas gone, even the sidewalks.

The downtowns closed, one after another, replaced by alien landscapes only accessible by car. What was left of the gutted former cities of places like New Jersey was populated by impoverished, unemployed people surrounded by abandoned and boarded-up buildings, the downtowns replaced by soulless suburbs indistinguishable from each other except that the chain stores appear in a different order depending on the town, if the word "town" can accurately be used to describe these places.
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When it seemed like there couldn't possibly be more highways, there were more. When it seemed the strip malls couldn't possibly be uglier and more impersonal, they became bigger, uglier and without the modicum of public space the first ones often had. When it seemed public transportation couldn't possibly get any worse, in so many places it ceased to exist altogether. When it seemed the general population couldn't get any less healthy that it was, somehow pharmaceutical drug use increased even more, people got even more obese, and there was yet another spate of high school massacres to add to the last series.

And so many people just seemed to accept this new reality. New generations were born that never knew life could be any different. The concept of a neighbor, a front porch, or a bicycle became a thing of distant memories and old movies. The cancer rate grew and then it grew faster, but people would say this is how life is, cancer has always been with us, it just wasn't diagnosed before. It's easy to prove that this isn't true, since there are societies outside the US to compare ourselves to, but nobody talked about that on TV, and most people never heard about these places, never traveled to them. Wal-Mart doesn't pay people enough to take vacations outside of New Jersey, let alone to other countries. But they do pay just enough to keep the car running and to get the next prescription of Prozac.

Having spent much of my childhood hiking in the forests of northwestern Connecticut, on the Appalachian Trail, I spent a summer in the forests of western North Carolina. Although on the map you can see that 10% of the US land mass is identified as "National Forest," I learned firsthand what that misnomer really meant. Much of it would more appropriately be called National Sacrifice Zones. I learned that the main job of the Forest Service is to subsidize logging operations and clean up the mess afterwards. I saw clearcut after clearcut. Eroded hillsides covered in stumps, mud sliding into stream after stream. Mountaintops covered with dead trees, killed by beetles emboldened by climate change.

I saw Louisiana. First the "National Forest" tree farms in the north of the state, then the coast. I drove and drove for hundreds of miles along the coast, smelling the stench of the oil industry that had laid waste to everything from Mississippi to Texas. I saw the flames shooting wildly out of the smokestacks, tried to imagine how anybody could live in such an environment. Fisheries devastated, communities ruined, economies struggling, the only jobs left being on the oil rigs and refineries that constantly mar the coastline, spewing carcinogens, the EPA never to be seen.

I saw the people there on the Gulf Coast living in the midst of a distopian nightmare, their trailers and little houses sandwiched between the highways and smokestacks, just to keep all the miserable occupants of the suburbs of New Jersey and Connecticut and Florida in their SUVs, driving to the next mall, driving to their jobs, ever further and further away, ever harder to find.

I saw Los Angeles. I had never been to a city where there was so much smog you couldn't see the sky. Everything was grey. I read about how LA used to have a great trolley system, but it was bought by GM and Exxon and destroyed, along with the mass transit systems in other cities they bought in order to destroy. Somehow this was allowed to happen. Somehow civil society couldn't stop it. I read about the cancer rate and the number of people with asthma there, one of the highest rates in the country, mostly because of all the cars spewing smog into the soup bowl that is LA.

LA, one more of so many examples of what happens when massive corporations are able to make all the important decisions. It's good for Exxon and GM, so we will have suburbs. It's good for Exxon and GM, so we will have endless expanses of highways, malls and cars. It's good for Exxon and GM, so the natural world will be systematically destroyed and replaced by asphalt. Society will be systematically destroyed and replaced by people kept alive by inhalers, chemotherapy and psych drugs. It's good for Exxon and GM, so we will send our young people off to die and kill off half the Muslim world.

And so many times I wondered, don't the billionaires also breath the air? Are they happy with all their money? Will they be happy once they're living in climate-controlled bubbles? Maybe if the bubbles are big enough…? Won't it also affect them when the oceans rise? Maybe not when they only rise one foot, or two, but twenty…? Wouldn't they also rather live in a sane society, or are their imaginations as damaged as those of so many of the people living in the suburbs they have created for us? Or do they just live on pure cynicism, figuring if they don't profit from this madness, someone else will, and the economic system they've been fuelling all their lives is unstoppable, so just let it be…? That's life, that's death, it was a nice world once upon a time.

There in the west, there at the end of the continent, I went north. Like so many other people, when I first visited Muir Woods just north of San Francisco it changed me forever.

It was like going back in time, way back. The forest felt alive, sentient. The trees were so massive they blocked out the sky. Some were two hundred feet tall, ten feet wide, unlike anything I had ever seen or heard of.

Someone from an environmental group was handing out literature there. Almost the entire west coast had been full of forests like this, up and down the coast, from the ocean to the mountains. These were some of the very few that remained. Many of these trees had been there since before Columbus first began pillaging the Americas. Some of them were older than Jesus.

Many of the remaining few were in private hands, belonging to energy corporations that had inherited their vast expanses of land through theft, bribery and government handouts, corporate welfare. The rest was on "National Forest" land. Most of it was being logged at a rate faster than the logging of the Amazon.

And what was being done with these indescribably majestic trees? These magical beings that took my breath away, that had such an impact on everyone I ever brought to the coast to see them? These ancient creatures that converted me to paganism overnight, that filled me simultaneously with calm and excitement, hope and despair, that made me feel truly whole for the first time. Were they at least making beautiful musical instruments or homes with these forces of nature?

Toilet paper. They were making toilet paper.

There are lines that must be drawn. Everybody has their breaking point. There is a point at which you just have to say no. This just cannot happen. There is a point at which you cannot rationalize anymore, cannot tolerate anymore, cannot just keep living, pretending everything will somehow work out. There's a point at which you have to take a stand, do something. There is a point at which you just can't compromise anymore with yourself.

A point at which you decide that the utter desperate urgency of the situation must be reflected by urgent action. A point at which you decide that all the talking, the legal wrangling, the fundraising, the benefit concerts, the community radio, the education, even the civil disobedience is all good, all needed, but something more must be done, something direct,

clear, unmistakable.

There is a point where some people decide that fire must be met by fire. The point where you realize that tomorrow this bulldozer is going to destroy this ancient forest, and therefore this bulldozer must be destroyed, right now. A point where you decide that this suburb cannot continue to grow and destroy what little is left of the natural world around it. A point at which the offending luxury housing development must be burned to the ground, before anybody moves into it, while there is still a memory of what the landscape used to look like, what it could look like again. A point at which you decide that this SUV dealership simply cannot continue to sell these SUV's that are giving us all cancer and warming the globe, it must be stopped, now.

Or at least the point must be made, eloquently, directly, brightly, in a way that lights up the night and sends a clear message, like a fiery beacon.

At the core, it's really just conservationism. The desire to conserve what little remains of the natural world. Just the desire to keep things from getting even worse. To preserve this little bit that's left, at least that.

The IPCC reports are clear and unequivocal. Climate change is going to kill us all if we don't stop it. This climate change, so clearly driven by the energy companies that create government policies around the world, is soon going to end life as we know it, unless we change the way society functions. The scientists are clear that this can in fact be done. We can live where we work, turn the suburbs back into farms, ride bicycles, build solar power plants and windmills, recycle everything, it can all be done, if the energy companies and their servile governments will just get out of the way and let sanity reign.

These energy companies, these leaders of the "free world," these people making the decisions that keep our society flying towards the proverbial brick wall, these people are murderers. They're not just killing Iraqi children and US soldiers -- they are literally killing us all. Yet no one among the "environmental extremists" has ever acted on the desire for vengeance that makes so many of our hearts so heavy so much of the time. No one has responded violently to the unspeakably violent crimes that are wreaked upon us all on a daily basis. No resident of LA or Houston or Phoenix, while dying of cancer, has ever used her dying days to take revenge against the leaders of the corporations who are responsible for her death, who are killing her.

Instead, the violence in the environmental community has been a one-way street, with the killing of David Chain in the redwood forests near the end of the last century, with police systematically using brutal methods to suppress peaceful dissent, with the bombing of Judy Bari and Darryl Cherney's car in Oakland, perhaps carried out by the very "intelligence agencies" that are persecuting activists today.

These alleged "ecoterrorists" have hurt no one. All they have allegedly done is destroy property, by various means, being careful not to harm a single human being or animal in the process. Destroyed property which, in a sane society, no corporation could possibly have the right to own. Because in a sane society, we all have an inalienable right to clean air, clean water and soil that is not poisoning our food. Therefore these corporations cannot, under the rule of any sane system of law, be allowed to clearcut the forests, dump chemicals in the rivers, or pave over mile after mile of land and sell SUVs on it. Property used this way cannot possibly be theirs. And if it is, it cannot possibly have any value, when the damage it causes is accounted for. This property, in fact, is more than worthless. Anyone destroying it should be paid for their time and effort in the form of carbon credits at least!

The last time I was in Dublin the show was organized by a woman who had only a few months earlier been preparing to spend years behind bars. But the jury there in Ireland found her and four other activists not guilty for the alleged crimes they had committed.

It happened almost exactly ten years after another not guilty verdict for similar alleged crimes committed in Britain. In both cases, the judges had allowed the cases to be put into context, something that rarely happens in so-called courts of law.

In both cases, the actions committed involved taking sledgehammers to military aircraft in order to prevent them from being used to kill people overseas. By decommissioning the planes as they did, the juries in both cases found that the activists were merely enforcing international and national law, which was in fact being broken by the governments of the UK and Ireland.

The juries found that it was illegal for the UK to be selling these planes to Indonesia, since it was clear beyond a reasonable doubt that Indonesia was going to use these planes, as was their common practice at the time, to bomb civilians in East Timor. In Ireland they found that US warplanes using Shannon Airport as a military base was in violation of Irish law, and these warplanes being used to maintain the occupation of Iraq was also in violation of international law.

I'm not a legal expert and I don't know what laws might or might not be applicable in the case of these environmentalists who are facing the prospect of spending decades of their precious lives in the hell that is known as the US prison system. What I do know, beyond any doubt whatsoever, is that anyone who destroys the infernal machines that are laying waste to our beautiful world is a hero to me. Their actions should be celebrated, and certainly defended unequivocally. They should not spend a single hour in any prison. They should be found not guilty on all counts.

A few months ago I received an email with a press report in Ontario about an ELF action there that had just occurred. In their press release they quoted a verse from one of my songs. It was a proud day in the life of this songwriter. (But perhaps that's the real reason I was just banned from entering Canada for the next year...?)

May the elves of the forests breed and multiply, before it's too late. For this beautiful world is not here for massive corporations to terrorize, pillage and destroy. It is here for people like you and I and Bill Rodgers to live long lives in, in harmony with the wild earth, to cherish, to steward, to enjoy – and to save for future generations.

David Rovics

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Dmitry Orlov, culturechange.org writer on sail power, car-dependence and other topics, offers rare historical perspective. An observer of the collapse of the Soviet Union, and a leading thinker on the implications of peak oil for the U.S and the global economy, he has political-science insight vis-a-vis David Rovics piece we can title:

Civilization sabotages itself

A few thoughts on reading David's article...

1. Welcome to the machine. You have found it, or it has found you, and all you can do now is find your place in it. What do you want to be when you grow up, a wheel or a cog? Yes, it is the machines, embodied by government agencies and corporations, that now have all the rights and all the power, not the individuals. Being an individual is still a good thing, but to become one you need a machine to spit out some pieces of plastic with your picture on them. Even the capitalists themselves are slaves to their capital, serving its interests rather than their own.

2. We should expect all non-sanctioned activites, not just environmental activism, to be progressively criminalized. These are all the symptoms of a creeping totalitarianism. As with all diseases, it must run its course. At some point it will start thwarting its own purpose with every step (as all totalitarianisms do) and collapse a while later. Perhaps this has started happening already, or perhaps it will take another generation to happen.

3. The flip side of creeping totalitarianism is the continuing vestigial tolerance for "free speech." The machine tolerates

dissent for its own reasons: dissidents are like the dead virus DNA in a vaccine - harmless, but useful for developing antibodies against any real revolt. The trials and the imprisonment of activists is just for practice: they are a type of "cannon fodder." If things ever got serious, they wouldn't be imprisoned. They would be shot, and we wouldn't hear about it.

4. Where words are permissible, no action, no matter how feeble, can be allowed. Killing buldozers to save forests is like swatting bugs to eradicate malaria. Let me assure you: the bulldozers are in no danger. This is all just theater and posturing, like most of the environmentalist movement. Which environmentalist non-profit has the prettiest calendars? And which raises the most money for its causes? This money, as we all know, is denominated in oil, so how exactly can it be used to save nature? Maybe they can spill some of this money on a remaining patch of pristine wilderness, then burn the rest of it cleaning up the spill.

5. Violence against property and violence against people are both violence, and sabotage is not a victimless crime. It is certainly better to take away someone's toilet paper than to slap them around a bit, but they are both abuse of one sort or another. If you want to get on someone's bad side, do both, but don't just take away the toilet paper and then try to be coy about it. I am not a violent person, and it would be silly for me to try to tell violent people what they should or should not do. But it is not silly for me to point them out, and say: "This is a violent person."

6. There is such a thing as successful sabotage. The first thing you need is a business plan. It should have a legitimate-sounding cover and a secret substantive part, which should be very technical and obscure, and open to a difference of expert opinion. The trick is not to destroy the machine, but to milk it to death. To do it right, you have to get paid to do it. Good industrial sabotage is indistinguishable from black magic: nobody should know that it was sabotage, or how it worked, especially not the person actually doing it. The absolutely worst thing that a half-competent saboteur can be accused of is negligence, but it really should be more of a "mistakes were made" sort of thing.

7. The good news is that this sort of sabotage is taking place everywhere. Everywhere I look now, I see the machine on a collision course with physical reality, and picking up speed. There must be plenty of smart people working on the inside, helping the process along. Not that I should ever be one of them, God forbid! But the machine will fail. I am more interested in figuring out what to do once it does.

8. There is an infinite supply of people who actually like the machine, and the thought of it failing them frightens them. Frightening people for no good reason is, as Al Gore would put it, "deeply unethical." It might be better to just surprise them than to frighten them ahead of time. Beyond the herd of American fast food-munching, sugarwater-swilling zombies, here is just a flood of Chinese, Indians, Mexicans, Africans, you name it - one generation off the farm, and they would rather die than go back.

9. The machine is our problem; don't bother asking others for help. When it comes to saving he planet, plenty of people around the world can give you a good answer as to why they should not be the ones to be asked to make a sacrifice. You see, they have been making sacrifices all along. This machine that is destroying the planet is a Western invention, so they could humbly suggest that all we Western types go ahead and self-destruct like we are going to anyway, and then they and the planet will get on just fine without us, just like they did before we came along.

Dmitry Orlov

May 15, 2007

David's reaction to Dmitry's piece: "I especially liked the bit about swatting flies, and I completely agree. What's needed is systemic change. Individual lifestyle choices or a small collection of individuals involved with sabotage activities is not going to have a real effect in any quantifiable way."

To read more about the Green Scare and get involved, go to

greenscare.org.

To find out how industrial capitalists are killing off your community, go to

scorecard.org

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His website and passionate music:

CD's, DVD's, MP3's, online videos, upcoming shows, essays, links...

davidrovics.com

A sampling of Dmitry Orlov's writings:

The Despotism of the Image

culturechange.org/cms

"Sail transport community" -
Written by Jan Lundberg, Paul Flowers, Dmitry Orlov, John Baker

culturechange.org/cms

Further reading:

"Feds Push Terrorist Label on Arsonists" AP, May 16, 2007:

guardian.co.uk

"Arsonists, yes. But are they terrorists?" and photo gallery, AP Yahoo, May 16, 2007:

news.yahoo.com

Press release for defendants and contact info:
May 14, 2007

Civil Rights Outreach Committee

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Feds Seek to Impose Terrorism Sentences on Environmental Activists

Eugene, OR - On May 15, U.S. District Court Judge Ann Aiken will hear arguments as to whether federal “terrorism” sentencing enhancements should apply to 10 environmental activists who have accepted plea deals for crimes of property destruction. The hearing takes place in the Eugene Federal Courthouse at 405 E. 8th Ave. at 10 am. A press conference by the defendants will be held at noon.

The crimes charged under the government’s “Operation Backfire” indictments involved damage to property, but no injury to any living being. Most of the crimes were arsons, for which the median sentence is normally 5 to 8 years. In the 2006 plea deals, the government recommended sentences ranging from slightly over 3 years to nearly 18 years for various defendants. The terrorism enhancement, Section 3A1.4 of federal sentencing guidelines, could add up to 20 years to each of the sentences laid out in the plea agreements. Formal sentencing will take place starting May 22 through June 5 in Judge Aiken’s court.

In existing statutes and the majority of public opinion, terrorism is linked with purposeful violence aimed at injuring people. While recognizing the seriousness of the crimes of arson in these cases, filings for the defendants argue that those facing these draconian sentences went to great lengths to ensure that no humans or animals suffered physical harm from their acts of sabotage. In all counts, the actions targeted property, not people. Some of the targets included slaughterhouses and holding facilities to round up wild horses intended as pet food, a ski development pushing into endangered lynx habitat, and a meat-butchering plant. Federal authorities now claim that these fires count as “terrorism,” under the pretext that such arsons were designed “to influence or retaliate against the government.” Attorney General Alberto Gonzales has even claimed that those arrested were “the country’s number one domestic terror threat.”

“This is the first time in history of the U.S. that the federal government is seeking this enhancement for property crimes that did not result in injury or death to humans,” said attorney Lauren Regan, whose law office defends civil liberties of activists working for social change. “When everyone is a terrorist, no one is. The further we broaden the language of what a true terrorist is, the less security we really have. If a monkeywrencher is the same as Osama bin Laden, where is the distinction drawn?”

The USA PATRIOT Act broadened the application of terrorist enhancements, counter to the original intent, which applied to international terrorism resulting in bodily injury or death to humans, or threats to federal infrastructure like the power grid or waterways. Now criteria includes acts intended to influence the government. Besides increased sentences, the enhancements, if accepted by the court, could land the young defendants in maximum security prisons.

Attorneys for defendant Daniel McGowan said, “The terrorism enhancement is not merely a useful statistic for the Dept. of Justice in its ‘War on Terror,’ it is a label inscribed on the prisoner himself for the duration of his or her sentence… and beyond. It is an inscription uniquely associated with evil intent.”

A press packet with current related articles, background information, and a history of F.B.I. repression of political activism will be available at the event. Court filings are at

cldc.org

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