

Terror Label

Feds seek to 'enhance' sentences

The first group of people involved in what the government called "Operation Backfire" were arrested and charged Dec. 2, 2005 with crimes of property destruction attributed to the Earth Liberation Front (ELF) and Animal Liberation Front (ALF).

The crimes included burning down a horse slaughter house; burning a ski resort in Vail, Colo., said to be built in endangered lynx habitat; torching Childers Meat Co. in Eugene and toppling a Bonneville Power Administration high-voltage transmission tower near Bend. No one was injured or killed in any of the incidents.

Now, less than two years later, the government is ready to sentence 10 of the indicted saboteurs in Oregon. The Bush administration seeks to call the saboteurs "terrorists" by adding a "terrorism enhancement" to their sentences. Critics of the administration have speculated that the terrorism label is being used to justify the time and expense the "war on terror" has cost taxpayers since 2001.

Daniel McGowan's memo written by attorney Amanda Lee in opposition to the application of the terrorism enhancement calls the enhancement "a useful statistic for the Department of Justice." In a similar vein, Terri Wood, attorney for Stanislas Meyerhoff writes, "The government has Attorney General Alberto Gonzales' agenda to advance with this case."

The label "eco-terrorist" has been used by the government and mainstream media alike. The FBI's Domestic Terrorism Section defines eco-terrorism as "the use or threatened use of violence of a criminal nature against innocent victims or property by an environmentally oriented, subnational group for environmental-political reasons, or aimed at an audience beyond the target, often of a symbolic nature."

However, this definition was not created until 2002 — almost seven years after the FBI began investigating the Operation Backfire cases.

The lawyers and supporters of the defendants object to the label of "terrorist" and being equated with the likes of the 9/11 suicide bombers or Timothy McVeigh, all of whom sought to injure and kill large num-

bers of people.

Wood, attorney for Meyerhoff, who will be sentenced first, took issue in her memo with the vagueness of the government's guidelines for the terrorism enhancement. The guidelines are unclear even in what is meant by "the government," Wood wrote; that should mean "the federal government."

She wrote that the terrorism enhancement should be used for "the most danger-

monetary restitution the saboteurs could be asked to pay. One of the defendants, Jonathan Paul, has entered into an agreement with the government and the private insurer of Cavel West to make a payment of \$250,000 to satisfy his restitution obligation.

After Judge Ann Aiken decides if the terrorism enhancement can be applied to these cases, each of the indicted saboteurs will be sentenced. Even if Judge Aiken decides the enhancement applies, each of those involved will argue for why the enhancement does not apply to their particular case.

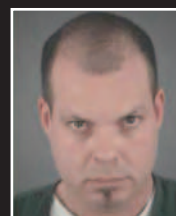
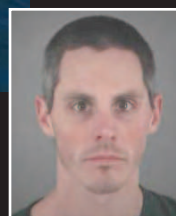
try. Jacob Ferguson, the informant for the FBI who wore a recording wire and was involved with many of the crimes, was never charged.

Also, the government memo refers to a sixth "other person" involved in the Childers fire. The "other person" apparently served as a lookout, and according to the document, "although identified, the 'other person' has not yet been indicted."

Oral arguments on the application of sentencing guidelines for the "terrorism enhancement" will take place starting at 10 am May 15.



Above: Vail Ski Resort Oct. 19, 1998
The accused: (left to right) Daniel McGowan, Stanislas Meyerhoff, William "Bill" Rodgers (now deceased) and Jonathan Paul
Below Right: BPA Tower near Bend Dec. 30, 1999



'The government has Attorney General Alberto Gonzales' agenda to advance with this case.'

— Defense memorandum



ous types of offenses that threaten the fabric of our society." The enhancement "should only be applied to those who knowingly created a substantial risk of serious bodily injury in carrying out arsons." According to both the government's sentencing memorandum, written by U.S. attorney Karin Immergut and several assistants, and the defendants' memos in opposition to it, the defendants were careful not to cause physical harm to humans.

The government's memo said that during the dramatic Vail arson fire, William "Bill" Rodgers, now deceased, "opened a door and observed two hunters sleeping. He closed the door and did not set that building on fire."

The Vail fire cost \$24.5 million, the government memo said. It lists the amounts of

But the issue of Operation Backfire does not necessarily resolve after these sentences. Either the government or the defense may appeal Aiken's ruling and take the case to the Ninth Circuit Court of Appeals.

Lacey Philabaum and Jen Kolar will not be sentenced in Washington until the fall, and Brianna Waters will go to trial — she is pleading not guilty — in September.

Furthermore, according to the FBI, Rebecca Rubin, Joseph Dibee, Josephine Overaker, and Justin Solondz have never been caught. Dibee and an attorney met once with the FBI before he fled the coun-

Sentencing of the eco-sabotage defendants will begin with Meyerhoff May 22 and end with Paul on June 5. All hearings will take place in Judge Aiken's courtroom in the Wayne L. Morse U.S. Courthouse in Eugene (405 East 8th Avenue). **ew**

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WELCOME WEEKEND EVENTS
SATURDAY, MAY 19
5:00 pm Orientation and slide show
6:00 pm Meet and Greet
SUNDAY, MAY 20
11:30 am Brunch
1:00 pm Site Tour
(open to those who've attended orientation)