

Terror in the Court

Can bunny huggers coerce the government?

Terrorism. The word has been the center of debate for months, as activists awaited Judge Ann Aiken's decision on whether a series of environmentally motivated arsons throughout the Northwest could be called acts of terror.

The acts of arson and other environmentally motivated "direct actions" have been referred to as eco-terrorism. The term is said to have been coined by Rob Arnold, author of *EcoTerror: The Violent Agenda to Save Nature: The World of the Unabomber* and executive director of the Center for the Defense of Free Enterprise (CDFE).

The CDFE calls itself "an educational foundation for individual liberty, free markets, property rights and limited government." Corporations such as Exxon, DuPont and Boise Cascade have funded it. The Boise Cascade offices in Monmouth were the target of one of the arsons.

'Meaningful discourse cannot be forced and fear cannot replace discussion.'

— Convicted 'terrorist' Stan Meyerhoff

Many see the label "eco-terror" and the effort to target environmental crimes as terrorism as setting a dangerous political precedent. It is a precedent that, like the recently passed Animal Enterprise Terrorism Act (AETA) that prevents interference with animal businesses ranging from rodeos to fur farms, begins to turn civil disobedience into terrorism.

When AETA passed in the House, Rep. Dennis Kucinich (D-Ohio) said of the bill, "This legislation will have a real and chilling effect on people's constitutionally protected First Amendment rights."

In her decision about whether the terrorism enhancement could be applied to the arsonists' prison sentences, Aiken wrote it "is not whether the defendants are 'terrorists' as the word commonly is used and understood in today's political and cultural climate. Nor is it appropriate for the court to speculate whether the government seeks to promote a particular political agenda or to punish a particular form of activism in requesting the terrorism enhancement."

A "federal crime of terrorism" she wrote, "does not require that the offense create a substantial risk of injury or transcend national boundaries."

The word terrorism originally comes from the French *terrorisme* and referred not to acts against the government but to acts of the government itself during the French Revolution.

Aiken's ruling and subsequent sentences have caused controversy among environmental and civil rights activists as well as the friends and families of the eco-saboteurs.

Four of the defendants have been sentenced so far. Three of them received terrorism enhancements on portions of their sentences: Stanislas Meyerhoff, Kevin Tubbs and Chelsea Gerlach.

Darren Thurston did not receive the enhancement because there was some question as to whether the wording of the PATRIOT

Act and the dates of his participation in one of the crimes made his acts not subject to the terror label.

In order justify the enhancement, the government had to provide "clear and convincing evidence" that the defendant's act was "calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct."

In a recent opinion piece published in the *Los Angeles Times* (reprinted in the 5/27 *Register-Guard*), defendant Jonathan Paul's sister Caroline Paul wrote, "Could it really be true that the most powerful country in the world feels 'coerced' by a bunch of bunny huggers?" Paul is due to be sentenced June 5 for the Cavel West horse slaughterhouse arson.

For several of the crimes, the "clear and convincing" evidence has been the communiqués issued by the defendants, attributed to the Earth Liberation Front (ELF) or Animal

Liberation Front (ALF). The communiqué for the second Romania Chevrolet SUV dealership arson referred to Jeff "Free" Luers' court case for the first Romania arson, thus attempting to influence government — Lane County Circuit Court. The Jefferson Poplar Farm arson communiqué said it intended to affect pending legislation.

In the case of the Eugene Police Department West University substation arson, which involved Meyerhoff, Tubbs and Gerlach, the fact that the building was a police building was ruled enough to deem the attempted arson "terrorism."

Though the prosecution detailed the possible affects of the arson, claiming it could have endangered a nearby Starbucks and Sacred Heart Medical Center, the fire was unsuccessful, scorching a wall and breaking a window.

It was so unsuccessful that it appears there were no media reports on the attempted fire at the time it occurred. Yet according to the current interpretation of the federal statutes, the crime is still "terrorism" due to its coercion of a government entity.

The defendants so far have all decried their use of arson as a tactic while expressing their desire to help humanity and save animals and the environment. Each defendant, when asked to make a statement to the judge, has spoken with sorrow and in a voice choked with tears.

Before being sentenced to nine years in prison for her roles in the crimes, Gerlach read her statement to Judge Aiken: "Fundamental changes are needed in our society to achieve peace and sustainability. We all need to take personal responsibility for healing our relationship with the land and with each other."

The crimes "cut off discussion," Meyerhoff said in his statement. "Meaningful discourse cannot be forced and fear cannot replace discussion."

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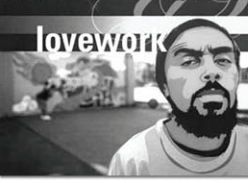
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