

Fired Back

Some words in response to Operation Backfire

Darren Thurston - December 21, 2007

My name is Darren Thurston and I write this essay from a cell in a US Federal Correctional Institution where I am serving the last year of a 3-year sentence for the attempted liberation of wild horses from a Bureau of Land Management facility in Litchfield, California in 2001. I did not perform this action alone but in concert with others connected through a loose and leaderless network known widely as the Earth Liberation Front (ELF) that carries out direct action in the name of defending the earth and all her creatures. The FBI has long considered the ELF the "Number One domestic terror threat in the United States"¹ and the infusion of post-911 funding allowed them to direct a lot of energy and money towards catching up with the direct action underground. One result was "Operation Backfire" – the name given to the investigation that ultimately dismantled several cells of the ELF in 2005-06 when nineteen people across the US were indicted for crimes ranging from theft to sabotage and arson². It was this investigation that caught up with me, and the reason I am writing this from prison.

Of course, if you come from radical activism in the US, you may be very familiar with the case known as the Backfire conspiracy (part of the larger Green Scare), and the community debates that have sprung up as a result. It is to this community I address this essay, with the goal of examining some of the misinformation and misconceptions about the Operation Backfire case, the co-operation of defendants with the FBI, movement support issues, and my own personal involvement. While I recognize in some quarters of the radical movement I am considered a sell-out and worse, I am hopeful there are still people listening and that some lessons can be gleaned from what happened to those of us involved. I believe I owe this not only to the numerous people who have requested it, but also to radical movements in general. Not one of us implicated in this case is above reproach, and my hope is that activists who read this will examine our actions, question us critically, and come to their own conclusions about how to avoid such pitfalls in the future.

¹ Robert Gehrke, "FBI: Earth Liberation Front Most Active Domestic Terror Group", Associated Press Newswire, February 12, 2002, retrieved from http://www.stopecoviolence.com/pdfs/2_12_02.pdf.

² Related to actions between 1996 and 2001.

“I think that they have to learn to genuinely care for each other and not use each other. They have to be willing to be flexible in their views because things are always in a constant state of change.” – Kuwasi Balagoon, Black Liberation Army POW (now deceased), speaking about activists.

Anatomy of Backfire

The Earth Liberation Front emerged in the United States in 1996, announcing its presence with two fires at the Oakridge and Detroit Ranger Stations in protest of US Government forestry policy. These first ELF actions went largely unnoticed outside of Oregon by activists and the media alike, but caught the attention of law enforcement agencies, spurring an investigation into this new development in radical environmentalism. A blend of the Animal Liberation Front's³ clandestine direct action tactics with the philosophy of Earth First!, the ELF had originally emerged in Britain and was now raising the stakes during a period of increasing intensity in the battles to save wilderness areas in North America. Communiqués and news bulletins from this underground organization would come later to define the ELF as “the burning rage of a dying planet,” a non-organization practicing leaderless resistance that anyone could join by simply taking direct action in defense of mother earth. Like the ALF, the ELF's tenets were straight to the point:

“1) To inflict maximum economic damage on those profiting from the destruction and exploitation of the natural environment; 2) To reveal to, and to educate the public about the atrocities committed against the earth and all species that populate it; and 3) To take all necessary precautions against harming life.”⁴

An ELF action was one which attacked property, not people or animals, and to this day no animal or human has ever been harmed in the course of an ELF action.

From 1996 until 2001, Craig Rosebraugh (first as part of the Liberation Collective and then later as the “official spokesperson for the ELF Press Office) publicized ALF &

³ Active in the US since 1979

⁴ http://en.wikipedia.org/wiki/Earth_Liberation_Front

ELF actions around the US via media releases and on-air interviews. The ideal spokesperson, Rosebraugh was dedicated to his task while knowing nothing of the people involved in the illegal actions. His role was one of receiving communiqués and doing what he could to publicize actions after the fact. Prior to the Operation Backfire arrests, the feds with little to go on searched Rosebraugh's house on several occasions during his tenure as press officer and was subpoenaed no less than four times to grand jury hearings in Oregon (all but one of which he refused to testify at). The single appearance Rosebraugh made at a grand jury resulted in no information for the investigators and afterwards he released a transcript of the GJ questions and his limited responses publicly.

After numerous high profile fires in 1998 & 1999, including the Vail Ski Resort fire which resulted in an estimated \$11 million in damages and \$13 million in lost revenue, the Operation Backfire task force was formed as part of the FBI's Joint Terrorism Task Force (JTTF). Residing in two offices in the Eugene federal building, it employed thirty full-time investigators who focused on Eugene specifically as well as the broader Northwest, casting a wide investigative net over hundreds of activists involved in environmental, animal rights and anarchist circles. With very little physical evidence recovered from the scenes of actions to draw on, the FBI worked to narrow down their suspect possibilities through guesswork and deduction. The shoplifting arrest of Josephine Overaker in Tacoma, Washington the day before the APHIS fires in Olympia on June 21, 1998 later gave police their first suspect (in a limited sense – she was a known activist who had been arrested close to a direct action event), but even this was not proof of her involvement. Falling short of material evidence, the FBI relied on an indiscriminate campaign of surveillance, targeting almost every activist in Eugene over several years. Hidden video cameras were set up to watch homes, phones were bugged, databases of photographs and license plate numbers were created, informants cultivated, and CCTV footage from a local tavern (Tiny's) was subpoenaed – all in the name of tracking down “criminal” activists.

In June 2000, this stepped-up community surveillance lead to the arrests of Jeffery “Free” Leurs and Craig “Critter” Marshall for a relatively small fire at Romania Chevrolet in which three SUVs were burned. On March 20, 2001, a second much-larger fire occurred at the same auto dealer (Romania II), which precipitated some

events the FBI task force thought were connected (but in reality were not). Following up on these false “leads”, provided by the activist community itself, gave the FBI its first real break in the Backfire case.

While those involved in Romania II remained anonymous, others from the local anarchist community managed to attract investigative interest, which eventually focused on Jacob Ferguson and Overaker. The same day as Romania II (only hours later), Heather Coburn – a local anarchist and housemate of Ferguson – noticed her truck was missing and called the police to report it stolen, naming Ferguson a suspect in the theft. Later that day she found the truck parked a block away from her house. Two days later another local activist, Carla Martinez, went to the Eugene Police HQ to request a police report on the truck theft and the Romania II fire at the same time. At the same time, law enforcement investigators had a hidden video camera watching the entrance to a local activist house on Blair Street (in Eugene) which captured footage of two people entering the house at 3:05 am on the night of the Romania II fire. (Jennifer Kolar later erroneously identified the two people on the footage as Nathan Block and Joyanna Zacher.) The police, who had also set up a pen register⁵ on Coburn’s house and the Blair St. house, noticed numerous calls between the two houses, and alongside Martinez’s unusual request for the two police reports concluded there was a connection between the fire, Ferguson, and other members of the community.

On April 30, 2001 the Romania II investigation heated up when police seized Coburn’s truck and offered a \$20,000 reward for information on the fire. This resulted in an anonymous (and mistaken) tip that Ferguson was responsible for the truck theft and also that he and Overaker were romantically involved. On May 11, 2001 a DNA warrant was issued for Overaker on the basis that a partial hair was found on an incendiary device that had failed to go off at the Oakridge Ranger Station. The attached affidavit alleged her responsibility for the Detroit Ranger Station fire and the APHIS fire. Task force members also managed to start a rumour in Eugene activist circles that Overaker’s address book was dropped at a phone booth near the Romania II fire. (In fact, it was found in October 1996, ten days before the Detroit Ranger Station fire, at a phone booth in Detroit, Oregon.) The FBI-

⁵ Originally used to refer to a device that records all numbers dialed from a particular phone line – now used to refer to any device that performs similar functions in terms of monitoring communication, including programs that monitor Internet communication.

planted rumour was so prevalent that even Ferguson believed Overaker was involved in the Romania II fire.

On May 21, 2001, twin fires demolished the University of Washington Horticultural Centre and Jefferson Poplar Farms, causing millions of dollars in damages. A week later the ELF booklet *Setting Fires with Electrical Timers* was released to the public on the ELF website which received immediate notoriety coming on the heels of increased activity and interest by the media. In June, the FBI failed in an attempt to place a tracking device on Ferguson's truck as they were unable to start the vehicle. Around the same time Overaker heard police had an arrest warrant for her and disappeared, narrowly avoiding the closing net of the investigation into her activities. In October 2001, the last action in the Operation Backfire case (though not the last ELF action) occurred at a Bureau of Land Management Horse Corral in Litchfield, California.⁶

In the fall of October, 2001 a grand jury was impaneled in Eugene to examine Romania II and other ELF actions. Ferguson, Coburn, Martinez, and others were subpoenaed. In lieu of a grand jury appearance, Ferguson and his attorney submitted to a private interview with the FBI. The feds, unhappy with the quality of information in his answers, subpoenaed Ferguson to appear before the grand jury a second time in April 2002. Throughout 2002 and 2003 the feds continued to gather material from their informants in the Eugene community. During this period at least one informant, known as "CW0"⁷ (a Eugene activist who remains unidentified), wore a wire while talking to Ferguson and other local activists, and provided other information — including Overaker's location in Maine.

By 2004, the feds were sure they had two definite suspects for Romania II – Ferguson and Overaker – though it would turn out that neither of them were involved in the action. Again, numerous people were subpoenaed to the grand jury in the spring and the FBI visited the families of Ferguson and Overaker, dropping hints that there were already warrants for their arrests. Not stopping there, the FBI

⁶ Over the years, several Bureau of Land Management facilities in western states were targeted by the ELF, including this specific facility on more than one occasion, in an ongoing campaign to stop the US Government's practice of killing wild horses.

⁷ CW means cooperating witness. CW0,1,2,3 etc. were used throughout discovery documents to obscure who was talking about who.

questioned Overaker's high school classmates, and contacted everyone from the address book she had lost in 1996 – traveling across the country to do so. CW0 (the local Eugene informant) continued to provide info on local activists, Cascadia Forest Defenders, and criminal activity unrelated to the activist community. Throughout this time, support for the Eugene activists facing the grand jury faltered and a number of those subpoenaed (though not all) ended up agreeing to private interviews or appearances in front of the grand jury to answer questions.

In the summer of 2004 the feds threatened to charge Ferguson with the Romania II fire, telling him they had a strong case against him. In a disturbed state, Ferguson decided that even though he wasn't involved in Romania II and had no prior knowledge of it, he wouldn't be able to win a trial and so agreed to cut a deal. (Ferguson is a troubled individual, a long-time heroin addict and speed user, and father to a 9-year-old boy; I can only speculate that he panicked at the thought of giving up drugs or never seeing his child again.) On June 28th, 2004 Ferguson and his attorney Edmund Spinney met with federal investigators and offered information on fifteen ELF and ALF actions as a way out of any charges. Ferguson became CW1.

“We made a deal with the devil” – Backfire task force member Greg Harvey talking about making a deal with Ferguson, admitting the feds never knew how deeply he was involved before his plea agreement was signed in September, 2004.

Through the summer and fall of 2004 Ferguson attended numerous debriefings with the FBI, providing increasingly detailed information about actions, people and locations. He even traveled to the Olympia site of the APHIS fire to give a demonstration to the feds of how it went down. At this time, investigators started putting some of the main suspects under surveillance and on December 3, 2004 a grand jury issued a sealed indictment for Chelsea Gerlach, Stan Meyerhoff, and Overaker in the BPA electric tower sabotage that Ferguson had been involved in on New Year's Eve in 1999. A week later Ferguson, wearing a hidden recording device, got in touch with one of his few remaining activist friends, Kevin Tubbs.

In 2005, my partner Chelsea and I went to visit Tubbs, one of the few activists we were in touch with while living in the US and “coincidentally” Ferguson showed up that night to visit. During the evening's conversation Ferguson told us that Overaker

needed a safe haven, false ID, and money to survive. He worried aloud that she would co-operate if arrested, saying he was trying to get in touch with her. Clearly, Ferguson had orders to not only track down each and every Backfire suspect he had worked with, but to sow distrust among each of us as he went. He spent the rest of 2005 attempting to entrap individuals of interest to the FBI. At the ELAW conference in March of 2005 he spoke with Jonathan Paul, who said little. Following this, Ferguson traveled to New York to attend an animal rights conference where Daniel McGowan apparently spoke in some detail about actions he was involved in and other people involved doing ELF press and support work. All of these conversations were recorded by Ferguson without the consent or knowledge of the people he was talking to.

Ferguson then traveled with investigators to Jefferson Poplar in Oregon; Vail, Colorado; Redmond, Oregon; and Rock Springs, Wyoming to demonstrate how actions took place and to help the FBI locate buried clothes, tools, and devices. Stan Meyerhoff and other defendants were tracked down by the FBI while Ferguson criss-crossed the country to talk to them. Meyerhoff in particular was an unsuspecting wealth of information for investigators; long alienated from the activist community, he was eager to reminisce about all his past actions when his old friend showed up. In October 2005, Ferguson showed up in Portland, Oregon at a bakery where Chelsea and I were eating breakfast and (unsuccessfully) tried to get her to talk about the BPA tower action.

On November 16, 2005 a sealed indictment was issued for McGowan in the Superior Lumber fire. On November 23, 2005 a sealed indictment was issued for Overaker and Tubbs for aiding and abetting the APHIS fire. In early December, Ferguson finally located Bill "Avalon" Rodgers in Prescott, Arizona, and traveled there to push him into talking about additional actions and his plans for more. With the last person located, minus Overaker who the FBI believe fled to Europe in 2001, the feds put the final preparations on arrest plans and arranged a slew of grand jury subpoenas in both Oregon and Washington.

On December 7th, 2005 at 11 AM the FBI simultaneously closed in on locations around the country, arresting seven people and serving grand jury subpoenas to many others. Myself, Gerlach, McGowan, Tubbs, Kendall Tankersley, Meyerhoff, and

Rodgers were in the first wave of arrests. More indictments and arrests came in the weeks and months to follow, bringing the total number of those indicted in either the main conspiracy case or related cases to nineteen. Two main Backfire task force members, the federal prosecutor, and Ferguson flew to Virginia to be there for Meyerhoff's arrival at the local FBI office. Prior to meeting with the prosecutor, Meyerhoff was set up in a private meeting with Ferguson, and within an hour of arrest Meyerhoff had written a letter to the judge professing his guilt and promising to name others involved in the actions. Two days later in Grand Junction, Colorado, Jennifer Kolar voluntarily walked into an FBI office and offered to provide information to the investigation. This was the first of more than ten debriefings between Kolar and the feds during which she provided information on several actions and numerous activists, in addition to turning over computer files, date books, phone numbers, and email addresses.

Within three days of the initial arrests, the feds had three people (Ferguson, Kolar and Meyerhoff) providing information on every charged action and those involved, and agreeing to testify in court. Rodgers was denied bail in mid-December and on December 20, 2005 took his own life in a Coconino County jail. In late December 2005, other arrested defendants began co-operating: Tubbs on December 28th, Tankersley on January 9th, Gerlach on January 28th, Suzanne Savoie on January 31st, Lacey Phillabaum on February 3rd, and myself on May 11th. This co-operation involved disclosing our activities and naming others who had been involved in them. Four defendants (Paul, McGowan, Block, and Zacher) refused any plea agreement that involved naming names. Four of those indicted were never arrested, and are considered fugitives by the US Government (Joseph Dibee, Rebecca Rubin, Overaker, and Justin Solondz).

In late summer 2006, as part of her plea agreement Chelsea pushed prosecutors to offer the final four Oregon defendants (Paul, McGowan, Block and Zacher) a plea so they wouldn't end up with extensive sentences after a trial she didn't believe they could win. As part of this effort, she met with several of their attorneys and advocated for a joint plea agreement through co-operation. This contribution was noted at Chelsea's sentencing hearing by both defense and prosecuting attorneys. Through a negotiation process led by the attorneys for the final four, a joint plea was worked out where the four would co-operate fully with investigators, and give all

information on every action in which they had involvement (charged or not) up to the point of naming names, which they would not be expected to do. The four entered pleas in federal court in Eugene on November 11th, 2006 for relatively little time compared to what they were threatened with.

Kolar, Phillabaum and Briana Waters were charged in Washington State in the University of Washington Horticultural Center fire though they were not charged in the Oregon conspiracy indictment. Kolar and Phillabaum entered guilty pleas in Tacoma, Washington as part of their plea agreements and have agreed to testify against Waters who is currently scheduled for trial on February 4, 2008. They are expected to receive 5-7 and 3-5 years respectively (as outlined in their plea agreements), to be sentenced after the Waters trial. Waters faces a thirty-five year mandatory minimum sentence if convicted of the "destructive device" charge levied against her. Taking an obviously different tack from Oregon federal prosecution, Assistant U.S. Attorney Andrew Friedman has stated he will not seek the Terrorism Enhancement for any of the Washington defendants.

Movement Support – How we ate ourselves from the inside out

"We also do not desire the creation of martyrs for our growing movement. The imprisonment of our warriors for prolonged periods of time is not something we want to encourage. Martyrdom is for those who truly no longer control their fate....Individuals need to know that they will be supported if they get caught whether or not they plead innocent.... and whether or not we agree with what they feel they must do to get a lighter sentence.

It does nothing for Earth/animal liberationists or the cause of Earth/animal liberation to criticize or pass judgment on our friends who sit in jail, especially when that judgment and criticism comes from someone outside of jail... Attacking warriors facing repression that is impossible to understand to those not under criminal indictment is simply hitting our warriors when they are already down. Supporting Earth and animal liberation prisoners means just that, supporting them always, not just when they do what you think they should do."

- From *Why we support Matt and Peter: The Santa Cruz Two* – A support statement for Matt Whyte and Peter Schell's case in 2002 signed by over twenty activists and organizations including: Noel Molland, Saxon Wood, Steven Booth, Rod Coronado, David Barbarash, Megan Adam – TAO Communications, Mark Eden, Gina Lynn, David Hayden, Animal Defense League, Animal Liberation Frontline Information Service, North American ALFSG, and the North American & UK Earth Liberation Prisoners Support Networks.

I offer this passage as a reminder that debates within movement support communities were raging long before Operation Backfire and there has rarely been a uniformity of opinion about this issue, despite efforts by some to paint it as black and white. Unfortunately, from my cell I can't do substantial historical research on debates that have erupted in radical labour, anti-racism and anti-imperialism, feminist, peace, anarchist and other progressive movements about saboteurs co-operating with investigators upon arrest in order to avoid life sentences. Despite this, I think it's a safe bet that their movements were having the same arguments we are right now. Something I have come to realize since my arrest is how much of what has happened in the past two years was so utterly predictable. If only we had paid attention to the lessons of those who came before us, analyzed the mistakes of our radical foremothers and fathers, and found the weak links in the chain in order to strengthen them as we came forward! Even now with the dust settled, it is apparent that people are spinning their wheels on the same issues and will continue to do so when another movement crisis such as Operation Backfire arises, setting back the revolutionary project over and over again.

So where did we go wrong? Clearly the mistakes that resulted in so many people being imprisoned started long before the arrests took place, with both the involved individuals and the greater movement itself. Support of activists subpoenaed to federal grand juries during the investigative years of 2001-2004 was at times severely lacking, with the exception of support for Craig Rosebraugh. Because grand juries are continually used as a tool against activists (successfully in many cases), I would argue that activists need to formulate a unified resistance to grand juries, and support for anyone subpoenaed to one should be paramount to all other concerns. This means raising money for legal defense, informing people of their rights to resist,

and offering tangible community support to assist with the stress of possible imprisonment. I acknowledge and salute here Jeff Hogg's recent refusal to testify at a grand jury hearing related to our case and his subsequent imprisonment for several months. If support had been more concrete for the people in Eugene subpoenaed in the early 2000s there may have been no charges in these actions.

As for those of us involved in the ELF actions, we also made many clearly identifiable mistakes which became obvious in reading the discovery documents generated in this case. The fact that Ferguson by himself could name so many people points to a serious problem within the ELF: the close knowledge defendants had of each other, despite the attempt to structure the ELF as a series of unlinked cells. Cell structures are traditionally used by underground and guerilla organizations to ensure that even if one "cell" of an organization is dismantled, others won't be affected. In our case, different "cells" were connected by one or two people (typically Ferguson or Meyerhoff) which gave them the ability to assist the FBI in putting the ELF activists who dominated the late nineties behind bars.

Upon arrest, "no one talks, everyone walks" went out the window pretty much immediately – Ferguson leading the way for Meyerhoff and Kolar (both had left activism long behind them) to become early informants, and providing almost all the information prosecutors needed to lay further charges. **One thing I think needs to be made clear is that I do not condone or encourage snitching;** I do draw a line, however, between the "co-operation" most defendants in this case provided and the outright snitching of Ferguson, Kolar and Meyerhoff. Their willingness to co-operate gave the feds the names of almost everyone involved in the charged arsons and a score of other actions (which remain uncharged) within days of the arrests. Contrast this to the majority of co-operating defendants who only talked about actions the feds already had information on and did so because they faced guaranteed life sentences if they took the case to trial with three individuals agreed to testify against them. These cases were made un-winnable by the early actions of a handful of people, the established use of mandatory minimums in the US legal system, and the heavy-handedness of prosecutors who threatened consecutive rather than concurrent sentencing (a la Jeff "Free" Luers).

An additional aggravating factor in decision-making was that many of the defendants

had abysmal defense attorneys who pushed their clients to co-operate, telling them it was either co-operation or guaranteed life in prison. The majority of the defendants did not have the required personal or family wealth to pay legal bills which meant they could not attain independently paid attorneys and had to rely on federally-funded legal counsel. Class status played an important role in this case – clearly visible in the difference between those who could hire competent counsel and those who could not. Those with access to money were allowed freedom on large bail bonds to organize their legal defense, work on their case, and raise money, without the additional stress of being imprisoned.⁸ Further to that, many of the defendants did not realize they had the right to refuse shoddy counsel and so ended up with inadequate representation throughout the process. I have spoken with two defendants who contacted the Civil Liberties Defense Centre (CDLC) in hopes of retaining competent legal counsel and general support and were simply ignored, their calls going unanswered.⁹

The first couple months following the December arrests were confusing due to FBI games and mistrust between defendants – all of us trying to figure who the “cooperating witnesses” among our ranks were, and unable to speak to each other. After the suicide of Rodgers in late December, most of those who had been arrested were put on “suicide watch”¹⁰ and isolated from all support, including our families, for several weeks. It was during this period that rumours started to surface on the Internet about people co-operating with the investigation (it is very possible that law enforcement used open media sites to stir up chatter within the community while most of us were incommunicado). As early as January 20, 2006, the US government jumpstarted their effort at criminalizing the defendants and tarnishing any chance of a fair trial when then-Attorney General Alberto Gonzalez, FBI Head Robert Mueller,

⁸ One of the defendants was even able to make a special deal with Cavel West’s insurance company to pay them off for \$250,000, leaving the one remaining defendant charged with this action to pay the remaining almost \$1 million.

⁹ The difficulties of mounting a legal support campaign from within prison are numerous: lack of access to unmonitored telephones, the Internet, and even regular mail – not to mention the psychological disruption of arrest all create conditions in which there is a profound need for reliable individuals and organizations dedicated to political prisoner support on the outside.

¹⁰ “Suicide watch” is a condition in prison in which a prisoner is ostensibly put in an environment where they cannot hurt themselves; at the same time, it amounts to an extreme form of isolation. Everything is removed from their possession including regular prison uniform, sheets, papers, books and one is left in a bare cell for weeks at a time. Prisoners under suicide watch are denied visits with family and friends, phone calls, and commissary funds. We believe in this case the suicide of Rodgers was used as an excuse by authorities to disconnect activists from their support networks in an effort to force them to co-operate with the investigation.

and other law enforcement officials held a media conference in Washington DC announcing the federal indictment of 11 people and branding them “domestic terrorists”. Taking a page out of the COINTELPRO¹¹ handbook, the FBI fabricated the defendants as “The Family”, a moniker never used by those carrying out ELF actions; clearly this nickname carried the ring of those up to no good (like the Mafia, or the Manson clan) despite the fact it was a fiction. The adage, “repeat a lie long enough and it will become the truth,” holds true in this case, with the “The Family” becoming fact as prosecutors, the media, the judge, and even the activist community bought into the FBI’s lie. Inside this chaos, it was impossible to concretize an organized defense team until Spring 2006, but by then all but five of the Oregon defendants were already co-operating. The initial discovery¹² released on the case was scant and biased to pressure the defendants to co-operate as fast as possible. Access to discovery, an important factor in mounting an effective defense, was all but denied to numerous defendants who saw very little of the 30 000+ pages collected by the FBI and prosecution. As late as July 2006 a co-defendant I spoke with at a plea hearing had only seen about 300 pages of discovery in contrast to the thousands to which I had access.

Compounding this, the government purposely dropped names, details, and misinformation in affidavits and at bail hearings in a very successful campaign to cause confusion, sow infighting, and cut off support for those in prison. In bail hearings, prosecutors don’t have to back up the statements they make. In our case, the prosecution used these hearings to put misinformation into the community. With the availability of open publishing and the proclivity of activists to pass along gossip, these FBI-started rumours became “facts” in no time – even among long-time credible activists.

To those of us on the inside still struggling with the enormity of spending the rest of our lives in jail, it was both demoralizing and hurtful to realize that many on the outside assumed that as lifelong activists we had sold out our ideas, even before we

¹¹ COINTELPRO (Counter Intelligence Program) was a program of the United States Federal Bureau of Investigation aimed at investigating and disrupting dissident political organizations within the United States. (<http://en.wikipedia.org/wiki/COINTELPRO>)

¹² Discovery is the pre-trial phase in the legal process in which each party requests documents and other evidence from other parties or can compel the production of evidence. Referred to here, discovery is all the evidence considered in my case – documents which were selectively shared in order to manipulate defendants against each other.

had agreed to anything! Open publishing networks on the Internet (Indymedia and Infoshop primarily) were used by activists to pass along threats (“snitches get stitches”), insults, and damaging gossip.

When people connected to the CLDC continuously leaked private discovery details and erroneous information to the Internet in early 2006, defense attorney Mark Blackman threatened to fire the CLDC’s Lauren Regan (hired as a consultant) from the defense committee in order to have her comply with the law and the wishes of defense team attorneys. Early in 2007, the CLDC continued to release erroneous updates including one that stated all defendants were facing an additional 20 years at sentencing as part of the terrorism enhancement, something the defendants already knew was not true and which succeeded only in creating more stress for defendants, supporters, and family members.

Those of us inside had to rely on our support committees to tell us what was being said as few people contacted us directly, preferring to speculate on the Internet rather than find out the truth. In one case, I responded to an individual privately by mail and then found out she had posted excerpts from my letter to Internet bulletin boards and mailing lists with her own angry interpretation of my words. For all the talk about “movement support” there was very little in the way of positive action and a lot of damage done by so-called supporters instead. From the day we were arrested, many of us felt utterly abandoned by our community in a time of great need. Our support committees, mainly comprised of close friends and family, reported to us harassment by people demanding information, angry emails filled with abuse when rumours about our co-operation surfaced, and campaigns to have our support materials removed from websites. This happened before the nature of our co-operation¹³ was known and could be discussed openly.

Some people were frustrated by a lack of communication from me and other defendants while our legal proceedings were ongoing, wondering aloud and in public why we weren’t responding to comments and questions about the case. I do not think it’s at all realistic to expect defendants to have the time and energy to answer

¹³ It should be noted that there is no such thing as a non-cooperator in this case. Although there are people who refused to name names, every single person co-operated at some level with the investigation as evidenced by two “non-cooperators” who gave the feds brand new information on a score of unsolved ALF & ELF actions across the US, including several major animal liberations and fires.

questions to the community when they are facing an enormous personal and legal battle. Never mind that they have to carefully consider any possible legal ramifications of any and all communications, one of the first things every defense lawyer tells his client is "don't talk about your case to anyone." Defendants are lucky if they can get all of their own legal and other questions answered. Very few of the defendants said anything publicly during the legal proceedings, and I was one of the few who continued to release public statements against the advice of my attorney. Besides this I kept only a small handful of people who I truly felt needed to know up to date on my legal case. I offer this here as something for the movement to consider when providing support to those in similar situations in the future. Defendants are not trying to keep you out of the loop a great deal of the time, but faced with some impossible choices in a highly monitored situation.

Between a rock and a hard place

"Revolutionaries should be motivated by feelings of true love." - Che Guevara

Within this context, I underwent my own long, hard process. Upon our arrest together on December 7th, Chelsea was taken by the FBI and I was transferred into the hands of the Immigration and Naturalization Service (INS) and sent from Portland to the Immigration Detention Centre in Seattle where I was served a grand jury subpoena on December 8th. Unable to get in touch with anyone I knew for the first three days, the authorities kept me in the dark about the nature of the charges against Chelsea and others they had arrested. Because I am a Canadian citizen, I expected the US government would send me to a deportation hearing within a few days of my arrest as per normal procedure. However, I was held without due process and then indicted and arraigned on the 18th of December on two federal false identification charges instead. On January 20, 2006 I was further indicted with ten others as part of Backfire. Although my access to discovery was non-existent prior to being indicted in the ELF "conspiracy", once I became party to the case I spent hundreds of hours over several months digesting thousands of pages of information and evidence. Additionally, I was coping with the emotional fallout from my arrest, the loss of my life partner Chelsea Gerlach to another prison, and the stress of an uncertain future ahead of me.

I have always felt very fortunate that Dan Feiner was appointed to my case, an attorney with previous experience in a large terrorism-related trial (the "Portland Seven") and very competent counsel. During my first five months in prison I undertook an extensive evaluation of the entire case, discovery, and evidence with my attorney and our investigator. My experience as a defendant in two other major cases in Canada (1992-95 and 1998-2002)¹⁴, in addition to my work doing past prisoner support, gave me a pretty good basis for understanding legal research, strategies, and outcomes.

On my birthday in March, 2006 I found out that on top of the Oregon charges, I was facing an additional federal trial in California as the action at Litchfield had been indicted separately. In late April, 2006 federal investigators and federal prosecutors Stephen Pfeiffer and Kirk Engdall informed me that eight people were co-operating with the feds, four of whom were willing to testify against me at trial (three of those had been involved at Litchfield). If found guilty at trial I would receive a mandatory minimum sentence of thirty years due to my one 924c1 charge of "Use of a Destructive Device in Relation to a Crime of Violence", on top of the sentence I was already facing for the conspiracy counts.

Following this, Chelsea and I were granted a special meeting at the federal building, something she had pushed for as part of her co-operation agreement. The decision to attend the meeting was extremely difficult and my attorney and I thought it out for several weeks before I finally agreed to meet her. I had not seen or heard from my partner of four years since the morning we were arrested five months before.

The meeting consisted of Chelsea and I, her attorney and investigator, my attorney and investigator, two US prosecutors, and Operation Backfire task force members Greg Harvey of the Eugene Police Department, Tim Suttles of the FBI, and John Commery of the Bureau of Alcohol, Tobacco, and Firearms. Sitting at a conference table across from a woman I loved dearly, yet surrounded by attorneys and federal agents, made for an extremely difficult and stressful meeting. It was at this time Chelsea confirmed she was co-operating, gave me her reasons for doing so, and detailed much of what she had provided information on. This included a number of things she and I had done together over the previous five years while underground

¹⁴

See Appendix Three.

in the USA – activities that could have easily put me in prison for much longer than the life sentence I was already facing. With four people willing to testify at trial plus my girlfriend co-operating with the feds, I was under some intense pressure.

On May 11, 2006, with my legal counsel present, I had an initial meeting with the prosecutor's office to work out co-operation details. An integral part of my co-operation was an agreement that I wouldn't be expected to talk about any illegal actions in Canada. During this meeting, prosecutors told us they had worked out a complex sentencing scale for the amount of time each defendant would receive, dependent upon how many actions each individual was involved in and how many charges were being laid per action. I wasn't told what my sentence with plea would be, only that it would be on the low end due to my minor involvement in the overall "conspiracy" and only one of the charged actions. They told us their intention was to be fair with sentencing and provide the opportunity for defendants to still have lives after their sentences were complete.

Following this, I met with federal investigators three times where I talked about my involvement at Litchfield (which Kolar, Meyerhoff and Tubbs had already provided information on). After being confronted with information about an aborted action in San Diego in 1997 and ascertaining it was past the statute of limitations, I talked about the actions of myself and another person there. This information was nothing new to the FBI as they had us under vehicle and plane surveillance in San Diego, which I spotted (and is what led to the action being called off). I also touched briefly on some of my other non-illegal activities in California that Ferguson had told investigators about. I had no direct knowledge of any of the Backfire actions or who was involved in them other than Litchfield, had never heard of the "Book Club", had never heard anyone referred to as "The Family", and had never even met eight of my co-defendants.

In mid-July 2006, with no notice, I was transferred from Multnomah County Jail in Portland to Lane County Jail in Eugene and told that within the week I would be expected to enter a guilty plea with five other co-defendants – not only that, I was to appear first of the five. I hadn't seen the plea agreement until I arrived in Eugene and had numerous objections to it, only a couple of which were corrected. I was told essentially to plead guilty with the agreement as it was or be forced to trial, and

since the plea was for far less time than I had been expecting (37 months) I decided to go ahead. Sections of my plea agreement that talked about my co-operation were redacted by the prosecutors as per normal procedure. At my hearing my attorney asked to keep these sections sealed because we felt they were not completely indicative of my co-operation and would be easily misunderstood by the majority of those who would hear about them.

Much has been made of the fact that at my sentencing the prosecutor claimed I had provided information "beyond what was called for in the current investigation". In a later press release Jerry Vlasak, a self-appointed movement spokesperson, attempted to demonize me and denigrate my 20-year history of activism. The information "beyond what was called for" was simply my acknowledgement of the fact that I had:

- authored the how-to booklet *The Animal Liberation Primer* and *The Final Nail* and two supplements;
- run the Canadian ALF Supporters Group and then the North American ALF Supporters Group;
- run the Animal Liberation Frontline Information Service website, and the ELF website;
- published the ELF's *Starting Fires with Electrical Timers* booklet as well as other ALF how-to booklets online;
- helped Craig Rosebraugh and other ELF/ALF press support people write press releases and arrange media for the Vail fires and numerous other ALF and ELF actions; and
- run an activist computer security website, and taught activist security workshops.

All of this activity was my own, and I implicated no one else in it. My history had already been well-documented in other legal cases and is known by law enforcement agencies around the world. The prosecutor's comments during my sentencing were not only intended to make the government's reputation for busting big bad "terrorists" but to sow further distrust of those life-long activists involved in this case.¹⁵

¹⁵ For more on this topic please see the letter posted by Megan from my support committee at <http://freedarren.org/?p=41>

In addition to the three initial meetings in 2006, I was visited again this spring (2007) by the feds who were asking about one of my recent visitors and their unlikely connection to recent ALF actions in Portland of which I had no knowledge. I also had two more visits after sentencing by FBI investigators from Sacramento and Seattle who both wanted me to rehash my account of Litchfield even though I had already signed to my recollection of the events there as part of my plea agreement and could not identify any additional parties involved in that or other actions.

End

This case has been another tremendous lesson in the lengths the state will go to target successful activists and imprison them. The legal proceedings were an attempt to not only create disarray but to destroy movements, families and allegiances between people. It is up to us whether we continue to let that happen or work at healing our movements and making them stronger.

My first year in custody was one of the loneliest times in my life and I was overwhelmed by the sheer magnitude and heaviness of it all. This case has made me intensely sad at times - sad to see activists arrested, harassed and hunted, sad to see the infighting and backstabbing that some in our movements take part in, sad to see the lack of real support for dedicated people who have put their lives on the line in defense of mother earth and all her creatures.

I apologize to my closest comrades for my co-operation in this case. It set a bad example in the face of intense repression from the state. I chose this path because I thought I was strong and smart enough to do battle in the interview room with the feds. I admit I made mistakes – I got tricked and cornered on a couple issues. I deeply wish all of my co-defendants had refused to co-operate at the onset of this case so others wouldn't have had their hands tied.

I support the majority of my co-defendants in this struggle and hope others will also offer them concrete support through their years in prison and reintroduction to society upon release. As an anarchist who has been involved in all kinds of activism for over two decades, I have no remorse for my activities in defense of a better

world. I do, however, have some regrets with regards to this case. While I may not be faultless in some of my decisions, I have tried extremely hard to act with respect and integrity to my friends throughout. As difficult as this chapter of activism has been for me, I am clear in the decision I made years ago that I would rather fail trying to make a difference, than sit at home and do nothing. In this, I have no shame, and am proud to take my place in the ranks of all who have struggled for the animals and the trees, against war, and for a more humane world.

As always, I am open to questions and discussion regarding this case and my actions. I am not on the Internet so I will not get any of your online comments. Please write to me directly if you wish to engage in dialogue or let me know your thoughts on this essay. As a distant second option, email my support committee and they will forward your emails by letter-mail.

In Struggle and Solidarity

Darren Thurston

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Appendix One: Prisoner Support Addresses**Nathan Block #36359-086**

FCI Lompoc
3600 Guard Road
Lompoc, CA 93436
(supportersofnathanandjoyanna@gmail.com)

Chelsea Gerlach #69097-065

FMC Carswell
PO Box 27137
Fort Worth, Texas 76127
www.supportchelsea.org

Daniel McGowan #63794-053

Unit I, FCI Sandstone
POB 1000
Sandstone MN, 55072
www.supportdaniel.org

Jonathan Paul #07167-085

FCI Phoenix
37910 N. 45th Ave.
Phoenix, AZ 85086
friendsofjonathanpaul@yahoo.com

Suzanne Savoie #68295-065

FCI Dublin
5701 8th St, Camp Parks
Dublin CA 94568

Kendall Tankersley

Location incarcerated unknown

Darren Thurston 69100-065

FCI Marianna
PO Box 7007
Marianna, Florida 32447
www.freedarren.org

Kevin Tubbs 69039-065

USP Lompoc
3901 Klein Blvd.
Lompoc, California 93436
www.supportkevin.org

Joyanna Zacher #36360-086

FCI Dublin
5701 8th St, Camp Parks, Unit E
Dublin CA 94568
(supportersofnathanandjoyanna@gmail.com)

Appendix Two: Operation Backfire, The People¹⁶

Name	Action/Indictment ¹⁷	Sentence/Status
Nathan Block	Romania II Jefferson Poplar Farm	Serving 7 years 8 months. Terrorism Enhancement applied.
Joseph Dibee	Cavel West APHIS and ADC Litchfield BLM Wild Horse Corral	Wanted.
Chelsea Gerlach	Rock Springs BLM Horse Corral Vail Ski Resort Childers Meats Boise Cascade BPA Transmission Tower Eugene Police Substation	Serving 9 years. Terrorism Enhancement applied.
Jacob Ferguson	Detroit Ranger Station Oakridge Ranger Station Cavel West Burns BLM Wild Horse Corral APHIS and ADC Redwood Coast Trucking Co. Wayne Bare Trucking Co. Rock Springs BLM Horse Corral Vail Ski Resort US Forest Industries Childers Meats Boise Cascade BPA Transmission Tower Eugene Police Substation Superior Lumber	Sentencing has not occurred but due to extensive co-operation with authorities, it is expected he will serve no prison time.
Jenn Kolar	Cavel West UofW Horticulture Center Litchfield BLM Wild Horse Corral	Sentencing has not occurred – Kolar is facing 5-7 years.
Daniel McGowan	Superior Lumber Jefferson Poplar Farm	Serving 7 years. Terrorism Enhancement applied.
Stanislas Meyerhoff	Rock Springs BLM Horse Corral Vail Ski Resort Childers Meats Boise Cascade BPA Transmission Tower Eugene Police Substation Superior Lumber Romania II Jefferson Poplar Farm Litchfield BLM Wild Horse Corral	Serving 13 years. Terrorism Enhancement applied.
Josephine Overaker	Detroit Ranger Station Oakridge Ranger Station	Wanted.

¹⁶

The most complete description of each of these actions is best found in one place in the US Government's sentencing memorandum which can be found on my site at <http://resist.ca/~freedarren/sentencememo.pdf>.

¹⁷

Indictment does not imply guilt for those listed here awaiting trial or considered fugitive – but indicates legal status.

	Burns BLM Wild Horse Corral APHIS and ADC Rock Springs BLM Horse Corral Vail Ski Resort Childers Meats Boise Cascade BPA Transmission Tower	
Jonathan Paul	Cavel West	Serving 4 years and 3 months.
Lacey Phillabaum	UofW Horticulture Center	Sentencing has not occurred – she is expected to get 3-5 years.
Suzanne Savoie	Superior Lumber Jefferson Poplar Farm	Serving 4 years and 3 months. Terrorism Enhancement applied.
Justin Solondz	UofW Horticulture Center	Wanted.
Bill Rodgers (Avalon)	Burns BLM Wild Horse Corral APHIS and ADC Rock Springs BLM Horse Corral Vail Ski Resort Romania II UofW Horticulture Center	Deceased.
Rebecca Rubin	Burns BLM Wild Horse Corral Rock Springs BLM Horse Corral US Forest Industries Litchfield BLM Wild Horse Corral	Wanted.
Kendall Tankersley	Redwood Coast Trucking Co. Wayne Bare Trucking Co. US Forest Industries	Serving 3 years and ten months.
Darren Thurston	Litchfield BLM Wild Horse Corral	Serving 3 years and one month.
Kevin Tubbs	Dutch Girl Dairy Oakridge Ranger Station Cavel West Burns BLM Wild Horse Corral APHIS and ADC Rock Springs BLM Horse Corral Vail Ski Resort US Forest Industries Childers Meats Superior Lumber Romania II Litchfield BLM Wild Horse Corral	Serving 12 years and six months. Terrorism Enhancement applied.
Briana Waters	UofW Horticulture Center	Awaiting Trial February 2008.
Joyanna Zacher	Romania II Jefferson Poplar Farm	Serving 7 years and 8 months. Terrorism Enhancement applied.

Appendix Three: About Darren Thurston

(Taken from <http://freedarren.org>)

Darren Thurston is a well-known Canadian activist with a long history of involvement in animal rights, social justice and environmental issues. Beginning in his teens, Darren worked with the Edmonton- based Citizens Organized for Animal Liberation as a tireless organizer and spokesperson against animal exploitation and abuse. In 1992, he was convicted of raiding a University of Alberta laboratory and liberating 29 cats slated for medical experimentation. For this act and another earlier action Darren served two years in a Canadian prison and was released in 1995. From there, Darren renewed his activist commitments, working on the Great Bear Rainforest campaign and going on to work for Bear Watch, a Canadian organization dedicated to ending recreational bear hunting in BC. Although he was charged again in the late nineties relating to a series of threatening letters sent to hunting guide-outfitters across British Columbia, Darren continued to dedicate himself to his community and the environment through work with a campaign to save the Elaho Valley, TAO Communications and the BC Compassion Club. In late 2000, charges against Darren were stayed by the Crown following a refusal by the RCMP to give details on informants used in the case. Darren has continued his involvement in alternative health and community-development causes over the past several years.

Beyond his activism, Darren is known to his friends and family as a fun and loving person who enjoys outdoor activities, animals, technology research, reading and socializing. Highly intelligent, sensitive and with a gift for making the people around him feel cherished, Darren leaves an imprint on everyone he meets and has a diverse network of friends and acquaintances. He very much wishes to come home to the west coast of Canada where he has a supportive and caring community awaiting his return.