

If a Tree Falls

A Story of the Earth Liberation Front

Marshall Curry, Daniel McGowan, Etc.

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Cast

- Marshall Curry - Director
- Daniel McGowan - Earth Liberation Front Activist
- Lisa McGowan - Daniel's Sister
- Tim Lewis - Activist & Filmmaker
- Kirk Engdall - Assistant U.S. Attorney
- Jim Flynn - Former Editor, Earth First Journal
- Jenny Synan - Daniel's Girlfriend
- Susan Synan - Jenny's Mother
- Bill Barton - Native Forest Council
- Leslie James Pickering - Former ELF Spokesman
- Greg Harvey - Detective, Eugene Police Department
- Chuck Tilby - Captain, Eugene Police Department
- Suzanne Savoie - Daniel's Ex-Girlfriend
- Steve Swanson - President, Superior Lumber
- Chuck Wert - Executive Vice President, Superior Lumber
- Don Rice - Manager, Jefferson Poplar Farms
- Jake Ferguson - Earth Liberation Front Activist
- Dan McGowan - Daniel's Father
- Lauren Regan - Daniel's Legal Team
- Stephen F. Peifer - Assistant U.S. Attorney
- Alberto Gonzales - U.S. Attorney General

- Dan Rather - News Reader
- Mike Wallace - News Reader

News Coverage

NEWSREADER: In Vail, Colorado, the nation's busiest ski resort was hit today by a fire. Arson is suspected.

NEWSREADER #2: You may have heard of the Earth Liberation Front. The Attorney-General says it's a domestic terrorist organisation. The FBI says it is one of the most dangerous groups in the country.

NEWSREADER #3: 'The ELF has claimed responsibility for more than two dozen major acts of eco-terrorism since 1996.'

NEWSREADER #4: Firebombings include attacks on lumber mills, wild horse corrals and two meat-packing plants.'

NEWSREADER #5: So far, not one of the cases has ever been solved and authorities acknowledge they know next to nothing about the membership or the leadership of the organisation.

Arrests

[The directors voiceover:]

MARSHALL: On December 7th, 2005, four federal agents entered my wife's office and arrested one of her employees, Daniel McGowan.

He was part of a nationwide round-up that eventually netted 14 members of the radical environmental group the Earth Liberation Front.

In all, their trail of destruction resulted in millions of dollars of property damage.

Alberto - U.S. Attorney General

ALBERTO: Today's indictment is a significant step in bringing these terrorists to justice.

MARSHALL: Weeks after his arrest, Daniel's sister put up everything she owned for bail and he was placed on house arrest in her apartment, to wait for trial.

DANIEL: In 2001, I was involved with the Earth Liberation Front... ..and I was involved in two separate arsons in one year.

I think, like, people look at my case. They think, "What if that motherfucker burnt down my house?" I think people think it's just a bunch of young crazies, walking around with gas cans. They think, "What if I burnt things that pissed me off? That's kinda crazy," you know, which it is kinda crazy. but I think people just need to understand that this thing is complex and it's not that simple.

It's hideous to be called a terrorist. There was no-one in any of these facilities. No-one got hurt, no-one was injured, and yet I'm facing life plus 335 years.

I split my time between talking to my lawyers, erm... I do a lot of research on my case, you know, all my legal documents - DVDs and CDs and videos and photos, audio tapes.

Hi, this is Daniel McGowan. I know that my lawyer sent you the brief that has been filed with the court today...

MARSHALL: As Daniel is preparing for trial, the government is putting pressure on him and his co-defendants to take a deal - either they plead guilty and testify against each other or go to trial and risk life in prison.

DANIEL: I told my lawyers at our first meeting, "Don't ever bring up cooperation as a tactic. "We're never going to cooperate, you don't have that card, don't bring it up." All the people in this group have had conversations about this, you know, "You get arrested, you don't say a word, just get a lawyer, "and, like, we'll join up and we'll see what happens."

OK, thanks, Andrea. I'll talk to you soon. Bye.

My family's done a tremendous amount of stuff for me. I mean, letting me live here, but we choose to live our lives very differently, like, I compost, I had never used a dishwasher in my life until I moved in here. I try to not to impose my way of doing things on anyone here, but, yeah, we have different ways of doing things.

Lisa – Daniel's Sister

LISA: No, I don't think I need that because we paint every edge. All right. All right. Bye.

I'd be a liar if I called myself an environmentalist. I mean, I care about the environment, I think about the environment, erm...I recycle, but I don't recycle every single piece of paper like Danny does.

When he came home from college, he lived with me. One day I came home, and he took the label off every single canned good I had, because he was, like, so obsessed with recycling.

He was like, "If we recycle, we have to take the labels off the cans."

I was like, "You took the labels off every can, I don't know what I have in the cans now. I don't know if they're soup. or what kind of soup. I don't know if they're peas or corn," and he was like, "I never thought of that."

It was like I opened my cupboard and there was just all tin cans.

I got a call from Jenny, er... totally hysterical, upset, saying that some men came in and took Daniel from his job.

My dad's first reaction was, "Oh, I don't know my son any more," and I think he was just in shock.

It's funny - growing up, he wasn't the political kid that was fighting for anything.

He was just a regular kid - played with his friends, rode his bike.

It wasn't like he had this whole history...

But you don't know what's inside someone until they get older and they start to think about who they are.

Daniel's Upbringing & Radicalization

DANIEL: I was born in 1974 in Brooklyn. I moved to Rockaway when I was around three, Rockaway Beach in Queens. It was, like, mostly working-class people. My dad was a carpenter in the New York Police Department.

I went to high school at a place called Christ the King, um...Catholic high school. I was a track runner and, you know, I got a scholarship and stuff like that.

And then when I got to college, I was like, "Oh, I guess I'll major in business" because that's practical."

When I graduated, I got a job at a massive public relations company called Burston Marsteller.

During this time period, I ran into a woman collecting signatures at Union Square. She kept telling me about Wetlands, the Wetlands environmental centre, and that was where it changed.

ROCK MUSIC

Basically, it was a bar that had live shows, but the profits would go to running an environmental centre. So I went to this meeting and they played these films that blew my mind. I had never seen with my own eyes what kind of world we lived in.

I feel like I'm in perpetual mourning and have been since the moment that, like, I don't know, I took the blinders off and was like, "Holy crap! What the hell are we doing?"

And I got involved instantly.

I protested constantly.

I did letter-writing every weekend at Wetlands.

I wrote hundreds of letters to different agencies and, at the time, they announced there was going to be a national gathering in Crandon, Wisconsin, so I went.

You know, I was a shy, city kid.

I liked nature as a concept, but I had never slept outside before my whole life. I was 22.

It was, like, different from anything I had ever seen.

We went swimming in a creek, we were going out on logs and jumping off, we were skinny-dipping. I mean, all this stuff was new.

Traditionally, at the end, they have a day of action.

We went to town and had a protest at the mine office.

I actually ended up being arrested.

It was really eye-opening to kind of learn about this different world and this environmental resistance movement.

TIM: I'm a fourth-generation Oregonian. Grew up in Eugene. My brother works the mill, my uncles own mills. It's something that, if you're from the Northwest, it's something you do.

I think I met Daniel here in Eugene. They called him "the disgruntled one", just because he had this nasty attitude and he was always bitter and he was always pissed off and he always challenged people for their stupid ideas and so they kind of coined this nickname for him - "the disgruntled one".

I think Daniel arrived out here at about '99, 1999, but to really understand why these arsons were set, I think you've got to go all the way back to a time when Daniel was still living back East. You've got to go to about 1995, which was the Warner Creek timber sale.

The Warner Creek's about 50 miles east of Eugene and it's probably one of the most beautiful places I've ever been. And in 1995, the Forest Service decided to open it up for logging.

People went up there and created a blockade on a federal logging road to try and prevent the logging of this place... ..so we created a documentary called Pickaxe which is the story of Warner Creek.

ACTIVIST: There's more vehicles on the way. Over. One grader followed by one...'

ACTIVIST #2: We don't think you guys have the right to take a protected forest, teeming with life, and log it.

TIM: For a long time, people were fighting the Forest Service through holding signs, letter-writing, sort of a hippy-type approach to protest, but there was this new type of protest that was becoming popular.

People would call it sabotage or monkeywrenching. They would glue up locks, they would pull up survey stakes, they would maybe put sugar in the gas tanks of bulldozers.

At Warner Creek, a simple little blockade turned into an all-out assault on the only way in to that forest.

The protesters dug a series of trenches to keep logging trucks from getting to the forest... ..and then they built the wall.

It looked like an old fort from the Wild, Wild West and it had a drawbridge, and it was really a cool blockade.

We were drawing a line in the sand - you can't come in here and destroy this place. And, er, they stayed up there for about a year.

As a federal law enforcement officer, it is my duty to inform you that you're in violation...

You have five minutes to get out of here. You have actually less than five minutes.

Early one morning, the Forest Service came on and arrested the protesters and, er... knocked down the wall.

That created a lot of bitterness toward the Forest Service...
..and soon after, things began to escalate.

Jacob Ferguson

TIM: The first time I met Jacob Ferguson was at Warner Creek.

He was a cool dude, he didn't say much, he just did a lot of work.

I think it's really hard to know Jacob Ferguson unless you're on the inside of Jacob's life.

This is the house I moved into right over here and right at that time, Jacob Ferguson was living right over there.

But Jacob was a pirate... He was definitely, um...an outlaw.

ROCK MUSIC

-Yeah!

-He tried to play a bad-boy image and he did it well because I really think he was one.

After Warner Creek,

I really think he thought the Forest Service was getting away with stuff.

I think most of America feels the US Forest Service's job is to protect the forest, but the Forest Service is a part of the Department of Agriculture and, er, the Department of Agriculture looks upon these forests as crops.

The US Forest Service's real job is to provide trees for these timber companies so they can cut these trees from natural forests.

They were cutting down these massive, old-growth trees, up to 750, even 1,000 years old, that were just massive.

But I think Jake was tired of the talk.

He was tired of just, you know, philosophising.

"You guys," you know, "are you through talking shit or what? Let's do it."

Intro to the Investigation

Kirk Engdall - Assistant U.S. Attorney

KIRK: This investigation was the largest domestic terrorism case in the history of the United States.

The very first ELF action that occurred in the United States occurred at two ranger stations in the district of Oregon.

Mainstream, legitimate environmental activists were absolutely shocked and disgusted with the fire and they saw the burning of the Oakridge Ranger Station as a public relations disaster.

MARSHALL: In the months after the ranger station fires, there was a split within the environmental movement.

In Eugene, which was quickly becoming a hotbed of activism, a growing community of younger environmentalists cheered on the arsonists, but most environmentalists argued that in a democracy, public protest was still a better way of making change.

In the summer of '97, just a few months after the ranger station fires, an event took place in downtown Eugene that, for many, shook up the debate.

The Tree Sit in the Park

TIM: There was this place downtown that had 40 old heritage trees, just beautiful, and they were going to put in a parking lot for Symantec, this big corporation next door and they were going to cut down the trees to do it.

MARSHALL: Activists began mobilising to save the trees, but as they prepared to take the issue to next city council meeting, the city suddenly announced that they would cut the trees one day before that public hearing.

TIM: On Sunday morning, about 2:30 in the morning, about 11 people went up into the trees to prevent them from being cut.

Jim – Former Editor, Earth First! Journal

JIM: We just went and did it, hoping that we could stave off the cutting for one day, until that public hearing. Just for one day, so that the citizens could talk to the city council the next day about saving them.

JIM: They came in right away, wearing riot gear and gas masks.

TIM: So, bang, bang, bang, on the door at eight in the morning.

Some kid says, "Get out there, they're pepper-spraying them in the trees.

"Get your camera, you got to get there.

"They're pepper-spraying them right now."

Hang in there, Jim!

JIM: They came up in a fire truck bucket, and they cut my pants leg up to groin, so they could spray my leg with pepper spray.

TIM: They cut his pants, and they were pepper-spraying him in the ass, and pepper-spraying him in the balls, while they were hanging from their limbs 40 feet up.

People were on the street, looking at this, and going,

"What the fuck do you think you are doing?"

So, people were radicalised, they started jumping on the fence, going, "Quit that shit!"

JIM: They are tear-gassing the crowd, pepper-spraying the crowd, it was just a crazy, frantic scene that day.

SHOUTING

TIM: And, they used about 12 to 15 cans on Flynn, and he stayed up for, I think, about six or seven hours, man.

And then they flushed me with a bunch of water, took me to the hospital, took me to jail.

So, for the next 35 hours I was soaking in pepper spray.

My hands were orange for a week.

And, so, the argument that you need to work within the system was pretty well dashed by what the cops did on that day in Eugene.

And June 1st was really the day that pissed off a lot of people in this town.

Visiting Daniel Again

I remember reading about it. It was, like, this footage that was really intense.

That kind of stuff, that's part of the story.

That was part of the backdrop.

It's crazy, it's crazy.

I think a lot of moments like that really erode people's belief that anything can actually change.

Next week, it's four months that I'm under house arrest.

My days here are really tedious.

It's really hard to focus and do anything.

Just thinking about my future, and how uncertain it is.

I get really sad at night, you know.

I prefer to sleep straight through, but I have the moments every night.

I have been doing OK, all things considered.

I feel like, on one level, I just have to be really thankful for what I have, which is, like, a good family, really good friends.

So, I try to keep things in perspective.

-Hold on one second.

-Hi.

-Hi, how are you?

Daniel was living with his girlfriend when he was arrested, and she's moved into his sister's apartment to be with him.

You know, people are all different, and some other people, if they were in my position, they might have been totally, like, questioning everything. But, it's just not me.

I think that he feels the dread every single day.

Definitely removes some of the life from his personality.

PHONE RINGS

Hello. Hey, what's up? How are you?

Wait, wait, wait.

So, wait, wait. I'm sorry. He's cooperating to the full extent?

Six of Daniel's co-defendants have appeared in court to accept plea deals.

In exchange for reduced sentences, they've agreed to testify in the government's case against the remaining defendants.

It hurts that people that I trusted and cared about turned their back on me.'

To be a cooperating witness, it's something that other people can do,

I'm just not going to do it, I just have to live with myself,
I'm not going to be that person and start spewing out crap just so I can get myself out of a situation that's not very pleasant.

I'd want him to do whatever he needs to do to not go to prison, but I would never want him to compromise his values or beliefs.

So, if he has to choose, he'll be facing life in prison.

I made the choice to be with him.

And after he was arrested, I made the choice to stay with him.

I mean, that's what you do when you're in a relationship with someone.

Just because something really difficult comes up doesn't mean that you just run away.

So, I think we should get married!

This kid faces 335 years plus life in prison, and he's getting married!

I want to kind of grab the positive and think that this is going to work out in the end.

Everything is going to be OK, and there is nothing to stress about, but there is.

-Hello, if it isn't my sister. How are you?

-How you?

-Oh, I'm freaking hot. That's why I'm out here.

-Let me see your ring.

-That's nice.

-By nicer, she means "more money"!

It's made of some recycled-type metal that doesn't hurt anything or anybody.

Mine's made of good old diamonds!

We'll have a good time.

It easy to discount the environmental movement as a bunch of wackos, and hippies and arsonists, but it's not like that.

There are businessmen and the moms and dads and scientists, and loggers themselves, there are people from every walk of life that get involved in this.

I've spent several years of my life doing logging in the woods.

I come with a little different perspective than a lot of the environmental crowd, or the logging crowd.

I've got a bit of both in me.

I'm OK with cutting down trees, I just don't have an issue with it, but I'm not OK with cutting them all down.

The industry tends to call the environmentalists "radical".

The reality is that 95% of the standing native forests in the United States have been cut down.

It's not radical to try and save the last 5%.

What's radical is logging 95%. This is radical.

This is a piece of a big old tree.

This tree probably sprouted just about the time Columbus sailed the ocean blue.

It looks about 500 years old, somewhere in there.

You know, if they could talk, they would probably say it's been pretty boring up until 75 years ago, when all hell broke loose out here on the ridge and they started cutting them down.

Most of them are gone now, so we won't be seeing any of these for at least another 500 years, and that's if we leave them alone.

These are amazing old trees.

I moved out West in October of '98.

I got out to northern California.

I had never seen trees like that before.

It had a really profound impact on me.

I was already quite radicalised, but I couldn't believe the fact that people accepted what was going on.

I have memories of, like, for the first time, seeing log trucks, and you know, being, like, "Whoa."

You saw the mills, or you go into the forest and stumble upon a clear-cut.

Like, it just blew me away.

Just the arrogance of it.

You think, "Man, this is butchered."

You know, it made me think, like, "Why are we being so gentle?"

"Why are we so gentle in our activism

"when this is what's happening?"

After the ranger station fires,

Jake Ferguson and members of the fledgling ELF set their sights on new targets.

They came across an Associated Press article about the rounding-up of wild horses from government land.

The horses were being sent to slaughterhouses, including the Cavel West plant in nearby Redmond, Oregon.

There were so many horses being processed at the plant that horse blood would sometimes overwhelm the town's water treatment facility and shut it down.

And for ten years, people from the area had tried and failed to stop the plant.

On July 21st, 1997, Jake Ferguson and three others slipped into the facility in the middle of the night and burned it to the ground.

The company was never able to rebuild, and the arson became a model for the group.

In one night, they'd accomplished what years of letter-writing and picketing had never been able to do.

They expanded and took on new targets.

They burned timber company headquarters, a Bureau Of Land Management office and a 12 million ski lodge at Vail, Colorado, to protest at the resort's expansion into National Forest.

An ELF press office was opened by activist who did not know the identities of the ELF members.

-How did they contact you?

-Anonymously.

What is that, like a package-drop on your doorstep?

They publicised the fires and explained the group's actions.

When a building burns down, they HAVE to do a new story about it.

That's why the Earth Liberation Front burned down the building in the first place, to get exposure.

We were there to help explain why that building burned down, what it was doing in the first place that was angering people so much.

A lot of what the Earth Liberation Front did was considered economic sabotage.

These corporations exist to make money.

All of a sudden, they are losing money, so they have to reassess their activities.

Another thing that happens is that the building that was dumping toxic waste, for example, into the river one day, is unable to dump that waste tomorrow.

The press office encouraged people to start their own ELF cells, but mandated that their fires not harm any life.

Take initiative, form your own cell, and do what needs to be done to protect all life on this planet.

The idea spread, and new anonymous cells popped up in other parts of the country.

NEWSREEL: 'The Earth Liberation Front is turning up the heat again, igniting devastating blazes all across the country.'

A biology lab at the University of Minnesota.'

Bloomington, Indiana.'

New York's Long Island.'

Now, some say ELF is in New England.'

HORNS HONK, WHOOPING

Back in Eugene, people were celebrating.

We had no idea that it was people from our neighbourhood, and they were friends of ours, but we were hearing about what was happening, and we were celebrating.

I don't think it was just the ELF that started ratcheting things up.

I think activists all over the Northwest were also kicking it up a notch.

They thought there was a possibility of really making things change.

You just had to work at it a little harder and be a little more radical.

I'm not turning it off, you know someone's locked under.

There's an old woman! She's 80 years old.

There was a sort of progression of radicalism that happened in Eugene, and so the police were also amping up their presence, because we were amping up our presence.

Literally, we were having two protests a week. Major protests.

So, you can imagine what law enforcement went like.

I was doing undercover work around the Eugene area.

We were looking for some of these individuals that were causing mayhem around Eugene.

I think it was well-known amongst those in the movement that they could probe and push and get us to react, in a way that oftentimes didn't look very good.

Back! Get back!

HORNS HONK

Hey!

SCREAMING AND SHOUTING

But we were getting rocks and bottles, that kind of thing, fire thrown at us, it just hadn't happened before.

To say that emotions don't play into that would be folly - that's not true.

It is personal, to take a rock.

And people's views got hardened and more radicalised the more the police were doing to them or other campaigns that were going on around the Northwest.

Are you going to release?

Why are you doing this to us?

Are you going to release?

Who's going to release?

I only did one eye, I am going to do the other eye if you don't release!

Please don't hurt me!

Leave her alone! Stop it! Stop it! No!

When those people were getting attacked and pepper-sprayed in their face while they were locked down,

I thought, "Protests and civil disobedience -

"why bother? It's not getting us anywhere,

"we're getting victimised by their police, you know..."

I don't know, I think I, like a lot of people I knew at the time, experienced a massive loss of faith in that systemic change could happen through the system regulating itself or reforming itself.

Good evening. When the World Trade Summit was planned for Seattle, the administration obviously hoped it would be a triumph for Bill Clinton in the closing months of his presidency.

Instead, it's been a nightmare of protest and demonstrations in the street.

In 1999, tens of thousands of people converged on Seattle to protest the WTO and its effect on the environment and labour.

They blockaded the streets, using non-violent civil disobedience.

ALL: Peaceful protest! Peaceful protest!

The police responded with force to clear the streets.

But while the authorities were focused on the demonstrators, another group appeared that included current and future members of the ELF.

I'd met these people in Seattle, and I was introduced to a larger group of individuals.

Here we are, in our black clothes, downtown Seattle was full of corporations that are wreaking devastation and destruction on the planet and people were like, "OK, let's do it".

These businesses, they're not going to bow to people dancing in the streets, or dressed as giant sea turtles and so on, they care about one thing, capital. Unless you put a dent in their pocket...

How are you going to do that, put a dent in their pocket?

Hopefully by causing property damage.

I never breathed tear gas, pepper spray or felt concussion grenades until that point.

It was insane, I really felt,

"This is like a war zone. Holy crap!"

It felt good to take out my rage on those corporate windows, because they had caused so much destruction in my mind.

It created a huge conversation and dialogue and fight.

This is not what the protest was about!

People work hard for their property!

Vandalism is vandalism, destruction is destruction, whether it's of lives or property, it's not acceptable.

-What do you think of the Boston Tea Party?

-I thought it was wonderful.

-Thank you.

Thank you. 50 cents! Read all about it!

I think people have a very Pollyanna viewpoint of social change.

No real social change has happened without pressure, without force, without, some would say intimidating governments and corporations into changing their behaviour.

Suzanne Savoie – Daniel's ex-girlfriend

SUZANNE: Uh, so weird to talk about this stuff. Um...

I took part in the Black Bloc at WTO, and the goal of the Black Bloc was to send an anti-capitalist message that consumer America is destroying the world and the planet.

That was the first time we met people that ended up being involved in the arsons.

DANIEL: After the WTO, I decided to move to Eugene, to keep in touch with some of these people I met in Seattle. And I started becoming a really different person.

SUZANNE: Daniel was very involved in the issues and ideas surrounding Eugene, he was very social, he seemed to know everybody and everybody seemed to know him, including the cops.

XXX: Daniel was kind of known as a leader around the area, you know, he would show up at protests, or gatherings, and you could always see that he was somebody people looked up to.

DANIEL: You know, you see who's serious and who's not. How they act and what they're saying. Somewhere along the line it became obvious that I was interested in doing other stuff.

I met Jake in the neighbourhood, there was some allure about him just being quiet and to himself and being there really set some things in motion.

The Lumber Industry

XXX: The more radical environmental community have, in my opinion, a misconception about this industry and what we do.

It's more than just a job. I'm a third-generation lumber man.

My son works in the industry. I want him to carry on and when he has kids, I want them to carry on.

You can't be in the lumber industry without having trees to cut.

So it's ridiculous for people to think we're going to go out there and cut the last tree.

Does it have an impact? Certainly.

Nobody likes the looks of a fresh harvest.

But we really do re-grow these trees.

We plant six trees for every tree we harvest. That's the law.

It's just flat-out the law. People don't break law.

You can't get away with it in Oregon or any place else.

Being an environmentalist is simply respecting the land and the atmosphere around you.

In that regard, I'm an environmentalist.

Eugene has a commercial railroad that goes through town.

It's not uncommon to just see plywood after plywood, and company names stamped onto it.

That's definitely how I heard about Superior Lumber, just by seeing their half-mile-long train full of forest go by.

They're logging just massive trees and areas that have previously been pretty inaccessible.

Sometimes when you see things you love being destroyed, you just want to destroy those things.

So I felt like the action was justified.

We were quite surprised that we had been targeted.

I believe I was invited to participate in Superior Lumber by Meyerhoff to be a lookout along with Suzanne.

But I met Jacob and Kevin right before the action - Kevin Tubbs.

They got together some weeks before, did a surveillance of it.

It was in an isolated area. There was no viable security there.

They figured out where they should place the devices.

They came back and prepared the devices.

They put them in plastic Tupperware containers, made sure the containers were fingerprint-free, DNA-clean.

They always wore gloves.

I felt nervous from the get-go.

I was staying in this house where everything was stored.

Someone else's house that didn't know about the action.

On the night of the arson they drove to the staging area.

They put on their masks, did radio checks. They had a police scanner.

It's positively nerve-wracking.

I used to get real sick before actions and throw up. and just get like nervous, just "in the zone", you know.

I mean, when you're doing something that intense, even as a lookout, you're just, like, freaked out because you just don't know how anything's going to go.

I was in the back of the van, I was actually by myself.

I was just kind of thinking to myself, and I think, um,

Kevin and Jake were in the front, just listening to music. So it was fairly relaxed.

People weren't talking a lot. But your adrenaline's going.

Miss Savoie and Mr McGowan were the lookouts.

They staged north and south of the building.

I was stationed at a payphone.

Everybody else was dressed in all black because everybody wanted to blend into the night.

However, I dressed in somewhat darker clothing but I looked fairly normal.

I just had a scarf I could wrap round my face in case somebody passed.

And I got dropped off at the side the road.

I just kind of crawled into this space, this shoulder, you know, with a bunch of ivy.

Mr Meyerhoff and Mr Ferguson placed the five-gallon fuel containers and activated the timing devices.

It was done within, you know, 15 minutes and I got picked up and away we went.

It was somewhere between 2-3am when I was home, sound asleep, and I got a phone call.

Of course, any time you get a phone call at 2am in the morning, it's not good news.

It turned the office into this... fiery oven.

I mean, I don't know how hot it got in here, but we had keyboards that were -

I mean, you couldn't tell one key from the other.

They were just melted together.

I went up to Portland and wrote the communique and sent it in.

Even then it wasn't real. It was still like this cartoonish thing.

And it wasn't real until I really saw the newspapers, seeing the man from the company, I think, Steve Swanson, walking through this charred remains and I was just like, "Holy crap."

That was a major blow to our mental psyche, at least in the short run.
It just felt like a big hole in my heart.
In Eugene, people were jazzed.
When the big, bad bully gets hit in the stomach and... feels a little something, maybe a little fear or whatever, that felt good.
It was exciting. The next day I felt, you know, like,
"Wow, I've actually done something where...it stopped."
I didn't have a problem with it.
I thought it was effective. It was 1 million or something like that.
You know... it's like when you're involved with it and in the thick of it, it's hard to look at the consequences, the real repercussions of that.
Like, you know, did this action push them in a better direction?
Did it scare them? Did it help the movement in any capacity?
There's lots of questions but I don't think at the time
I was asking those questions too much.
Yeah, yeah, yeah, yeah. Totally. All right. Well, um, that's great.
I guess I'll see you in a little bit. OK, bye.
Yes!
Awesome! All right, that's great, I'm off the system.
I am off house arrest, technically, right now.
Hey...I'm off!
Sweet! Seven months and two days.
With seven months of good behaviour, Daniel's lawyers have convinced the government he's not a flight risk.
What do you think about that? I think I want to stay in tonight.
No, I'm joking! Are you kidding me?
I don't care how tired I am, we're doing something.
Of course I'm going to get off house arrest on this day, like, of all days, like it'll be today, you know.
It's really sad for me to have all these feelings about my home being attacked, like my city being attacked.
I mean, when I tell people I'm accused of being a terrorist, like, whether it is eco or domestic in front of it, or if it's just straight terrorist, it's ludicrous to me. It's like surreal.
And most people that know me are like, "What?"
No-one's accused in my case of flying planes, bombing things, trying to hurt people, none of that. No-one's accused of that.
It's property destruction, that's what it is. Call it what it is.
-Hey!
-I looked naked, right?
-You did it!
-How are you doing?

Look at my freak-ass ankles! I actually ran a little bit cos I wanted to feel like what it was like to run.

I'm so tired! My feet hurt, my legs hurt.

I just had a knee pain. It was horrible.

As time went on, the cell members became better and better and better at their craft. And their craft was destruction.

And so they started what was called the Book Club.

They would train one another on how to build incendiary devices.

And they would go out and test all these things.

So they knew how long it would take at this time of night, in this kind of weather, how long will it take for this to ignite?

What type of fuel would work the best?

They wouldn't buy all the ingredients from the same store.

Even if the same store had the two or three items that they'd need, they would go to a completely different store 30, 40 miles away, so it wouldn't ever be tracked.

It was called the Book Club because they also utilised certain codes.

At the meeting they were told, "This is the book we're using."

And then you'd have to use your book that would associate what page number, what line number, what word number, and that's how you would decode the message to tell you where to go.

Some of the members then were well versed in computer sciences.

They brought in PGP encryption and showed other members how to do that.

There was a lot of having good covers for why you're leaving town, why you're not... You know, where you're going, having stories that made sense, that were consistent, that you told everyone, your job, your family, everything.

Not dressing like activists, per se.

We didn't really look like what you think we would look like.

If you saw people walking in the street you'd never think, "That's the ELF".

It made sense of why there wasn't any evidence, why they weren't caught sooner.

They were really good at what they did.

In May, 2001, ELF members launched an attack against two sites at once, a first for the organisation.

The first target was an office at the University of Washington, where a scientist was doing genetic research on trees, with a grant from the timber industry.

The second target was the Jefferson Poplar tree farm, where the group believed genetically-engineered trees were being developed for paper production.

In the previous arson, Daniel had been a lookout but this time he took a much more active role.

They're in a motel room, they set up a tent inside the motel room, they put on painter suits, triple-thick gloves, they made the devices.

One team went to the University of Washington, and the other travelled to Clatskanie, Oregon to Jefferson Poplar Farms.

Clatskanie is a really small town.

We were just really trying to avoid a traffic stop because we were pretty much screwed if we got stopped.

Way too many people in the car dressed in all black.

The driver of the vehicle was Miss Savoie.

Miss Overaker served as a lookout.

Then the three men, Mr Meyerhoff, Mr McGowan and Mr Block, took the fuel loads and the timers to the targets.

We check that no-one's there, climb around, look around. no-one's in there.

We'd been there previous, no-one's there, the cleaning lady's there earlier.

We set up all the devices on the buckets.

They put little tubs for fuel underneath the vehicles they put soaked rags, and they'd run the rags from vehicle to vehicle.

The towel just goes and goes and goes and goes.

It's tied together in sheets and it's absolute mess.

They were careful to take the trucks with the fuel tanks, fill the beds of the vehicles with fuel.

I'm standing there, I'm drenched in gasoline, we're about to burn 13 huge SUVs, and I was like, "What am I doing?"

We take spray paint. Myself and another person go to the shed and I write "ELF" on one side in pretty huge letters, and the other person writes, "You cannot control what is wild."

Don Rice – Manager, Jefferson Poplar Farms

DON: There's the E, L... and F.

Everything was basically fully engulfed when I got here.

With all the vehicles and the fuel tanks and so forth, there was lots of propellant in the area to make things burn, and things went up fast and hot.

SIREN

-911, where is our emergency?

-Man, we got a big fire...

NEWSREADER: Investigators in the Pacific Northwest strongly suspect that two nearly simultaneous fires were acts of ecological terror.

Aftermath

DANIEL: Monday morning, May 24, I got back to Eugene and I was like, "Wow, I really need to think about what I just did."

Just seeing the absolute ruins and realising that all people were going to focus on was that things were destroyed, and the issues are being lost and all they care about is catching the people that did it.

They were talking about Jefferson Poplar and about the University of Washington.

Finding out what happened at the University of Washington, massive destruction to a library, not just the professor's office that was involved in the research, but the Center For Urban Horticulture,

I was like, "This is too much, too fast, too big. What am I doing?"

MARSHALL: Not only had the fire at the University of Washington gotten out of control, they also discovered the Jefferson Poplar arson was based on faulty information.

It turned out that while the previous owners of the property had been involved with genetic engineering, the new owners only had hybrid trees, developed using methods that have been around for hundreds of years.

SUZANNE: It's hard to really justify it in hindsight. Nobody would have targeted that facility had we known there was no genetic engineering going on there.

DANIEL: So it left me with a really bad taste in my mouth, kind of like, "Wow, look at this huge, intense action. "Look what happened in Washington. Am I really ready for this? "Like this is super-serious and super-big."

The Last Circle Meeting

DANIEL: We went to the meeting a few weeks afterwards and I was like, "This is too much".

MARSHALL: Some members of the group were questioning the actions. But others felt they hadn't gone far enough.

KIRK: Some of them decided they wanted to target basically captains of industry, target people now, not just property.

DANIEL: The last circle meeting basically cleaved between people that seemingly wanted to talk about it, not even plan it, but they were like, "We should talk about it," And the people repulsed by it.

And really, that ideological divide is what ended it. That was it.

What people were discussing was my experiences of the arson. It made my mind kind of like spin.

It's things like this that led me to think, "This is futile." There's got to be better ways of addressing what's going on in the world than just burning things down.

MARSHALL: As the ELF cell was dissolving, the larger activist community in Eugene was splintering as well.

TIM: I think people were self-righteous. People thought they knew they had the answer, weren't willing to listen to other points of view because their view was more radical.

All those things came into play, I think, to help narrow the amount of people that were connected within the movement, to the point where it just went poof, it doesn't exist anymore.

That's one really sad thing about, you know, about a lot of social movements but I think ours especially, because we all are so critical of the world and the way people live in the world and how they interact with the natural world, that we sometimes are extremely critical of each other. And that is definitely part of our downfall as a movement.

DANIEL: The scene was really imploding there at the time.

I took a small trip to New York for my sister's 35th birthday. I hung out with my family and I was like, "I really love my family." I forgot that I... like I just grew so disconnected from them. And I met Jenny. And I was like, "All right, I'm going to move back to New York."

MARSHALL: After moving home, Daniel began work at the Rainforest Foundation. He organised protests against the Republican convention. And finally, he took a job at a domestic violence organisation, where he was working when he was arrested.

The Investigation

The ELF fires in the Northwest had stopped, but the government continued to work on the case.

We had a war room, basically. It was a situation we were in.

We worked it, worked it, worked it. We had diagrams all over the walls, we had our flow charts and we had pictures of our target suspects.

What's different on TV that's not realistic, is that everything is solved in 50 minutes, you know.

That is not what happens here.

Three years after Daniel moved back to New York, the government had still turned up no viable suspects.

We came together and decided we would take a cold-case approach on one arson to see if we can turn any suspects in that particular arson.

And the arson we chose was one that occurred in the city of Eugene, and it was the Joe Romania Truck Center arson, one in which 35 SUVs were burned to the ground.

SIREN WAILS

The new investigation yielded a number of clues which pointed the government to one local activist.

The night of Romania, Jake Ferguson was accused of stealing a truck, which was kind of interesting.

A truck would be needed for something like what occurred.

We also knew that Josephine Overaker was arrested in the Olympia area just prior to an arson that occurred up there.

And we knew that her boyfriend was Jacob Ferguson.

That's when we really turned the heat up.

With Jake now on their radar, they began following him everywhere, asking people about him and bringing his friends in for questioning before grand juries.

You know, you start seeing cars following you, cars with guys sitting outside where you're staying, you know, and...

It was really scary to think they were on the right track, you know, and that they just kind of like right there behind you.

And he's also a drug user, and so that adds the paranoia, that they know, "They're coming for me."

And of course in Jake's case some of it was true, where, when he did turn around, there were law enforcement following him.

So lightning was striking all around him.

And with that in mind, we gave him an out.

We called him into the US Attorney's office, we were in a conference room there.

And we explained to him quite simply that we knew what his situation was.

They told him they knew he was a heroin addict, and that he'd lied to an investigator, which was a felony.

And then they bluffed.

Despite a lack of hard evidence, they led him to believe that they could tie him to the ELF arsons.

We never told Jake Ferguson or his lawyer what we knew or didn't know, that's... You never do that.

Could we have put him away for a long time? At that point, probably not.

They told him the arsons carried a life sentence but if he became an informant, they'd let him walk away from his crimes.

I described to him, tried to paint an image of him walking through the forest on a road some sunny summer afternoon, hand in hand with his son instead of looking at his son through bulletproof glass and he thought about it.

And at that particular point in time then, he and his lawyer excused themselves and left, and said, "Well, we'll get back to you in a day or so."

You know, he grew up with his dad in prison, and he saw how bad that life was.

He didn't want to spend the rest of his life in prison, and have his son, you know, never see his dad.

20 minutes later, we get a call from downstairs, and Mr Ferguson and his lawyer wanted to come and talk to us.

And so they came up, and they said,

"we would like to consider co-operation."

"What do we need to do?"

That was, when we found out he was going to cooperate, that was one of the best days I've ever had.

So he started listing off all the things that he had information about.

And that basically was every arson in the district of Oregon.

Arsons in Washington State, arsons in Wyoming, arsons in Colorado, California.

We did not know the scope of what he had knowledge of.

So that's when the investigation kind of broke open.

The team immediately grew from 12 or 13 to 40, to 300 agents.

After debriefing Jake about the 14 fires he'd been involved in, the Government had a problem.

They knew that a heroin addict with a pentagram tattoo on his head would not make a persuasive witness in court and so they needed corroborating evidence.

We talked to him and his lawyer, and said, "OK, this is what we want you to do, "we want you to wear a wire."

They hid a recording device in the liner of his baseball cap and over the course of a year they flew him all over the country, where they arranged for him to accidentally bump into his old friends and get them to reminisce about the old days.

He walked into an animal rights conference I was at in Washington Heights, at Holyrood church.

It was bizarre to see him.

I mean, he was bloated and kinda fat, and...

Just looked really different, uh, he was talkative, which was weird, cos I always remember him as a really quiet guy, but he was talkative.

I went to go get a coffee with him, and we just talked a bunch, and... Yeah, it was unfortunate.

I mean, thinking about it, I can't help but be annoyed at myself, you know, like, "How did you not know something was really wrong here?"

Feels rather foolish, you know, to have done that, but...

I try to get over the shame associated with making dumb mistakes.

Jake was extremely conflicted.'

We had to pump him up, it was like before a big fight, where we sat there with him for probably half an hour to an hour, just to get him, kind of, tuned up and ready to do it.

It wasn't something I felt good about, you know.

Getting people to confess by wearing a wire, you know.

But what can you do, when you've already taken a deal, and you've admitted to, you know, all these felonies they've got?

You know, if you do anything to disagree with the deal, the deal is off, and you've just confessed, so, like, you know...

..life in prison.

So once we had those recordings in place, we decided on a particular takedown date.

The takedown presented an enormous logistical challenge.

The Government believed that the suspects had to be arrested at exactly the same moment, or word would get out and they'd go into hiding.

So teams of federal agents fanned out across the country.

I went to New York and we stayed out on Daniel McGowan's house until,

I think it was 10 or 11, making sure that he was going to be there first thing in the morning, and then we got, yeah, it was not very good sleep.

The next morning,

Detective Harvey and three federal agents followed Daniel to work.

I look up, and around the corner comes these kinda big dudes.

I just kept feeling wave after wave of dread and fear, just coming, you know, and I could barely talk, and I was like, I could barely talk, I was just like completely...

I'd lost my voice, I was just... could barely move, you know? It was really horrible.

And it was like, "You're being extradited to Oregon for ELF charges,

"and you should consider your plea, and don't ring your family," all this stuff.

We would have them have an attorney, we would present the evidence that we have against them, and say, "Here's your opportunity to become a cooperator or remain a defendant, your choice."

Yeah, when you sit down with them and you show them and let them listen to themselves on tape, you see them really sink.

"OK, I'm done."

It was a very successful approach, because, you know, the dominoes begin to fall.

I was in bed, my, uh...husband was up for work, it was 5am, he gets up early for work, and he came into the bedroom and told me that the FBI and the Oregon State Police were there to talk to me, and right away,

I pretty much knew what they were there to talk to me about.

From there, it was just, um...

You know, the hardest decision I've ever made in my life, whether or not I should take a plea bargain and cooperate or risk going to prison for the rest of my life, and I think that probably will be the hardest decision

I've ever made in my life.

And, um, I chose to cooperate and take the plea bargain, so that I could someday, once again, you know, be with my loved ones.

I would have been fully prepared to have gone away for five to ten years, you know, it was really looking at dying alone in prison, knowing that every single loved one would have moved on and done something else in their life.

It felt like a death sentence, you know, more than a life sentence.

People can judge me for the decisions I've made but until you've been in that position, then it's, you know, it's really hard to know what you would do.

I never in my life thought I would be cooperating with the FBI.

I always thought that I would be able to stay strong and stay true to my values and my beliefs, and, you know, I guess sometimes you aren't as strong as you think.

So, um...

I don't know if you're on, but can we talk off-camera for a sec?

Daniel's lawyers have negotiated a plea bargain.

While most of his co-defendants have agreed to testify against each other,

Daniel and three others have held out for different terms.

They'll have to take responsibility for the arson, but will not be forced to give information about others - if they accept the deal.

Wow. You are a big guy, happy birthday.

Everything has this overshadowing.

This is the last of holidays, this is the last birthday party, the last everything.

It's funny, he's not a big materialistic person, but he bought her a lot of gifts this year, and I said to him, "You don't have to go to all this trouble," and he said, uh,

"This might be the last time I can, you know, really give her gifts, and be here," so... that was kinda sad.

I don't know. He's got some serious decisions to make.

And they suck. No matter what you choose, they suck.

LAUGHTER

I just feel bad that, uh... This came up in this part of his life.

Hoping for him to make an agreement, but going to trial, I think...

I think, with the charges against him... that's two life sentences.

I don't believe in his philosophies, but, uh... he's my son and I love him.

So, cool, thanks everyone for coming...

INDISTINCT

Um, I just wanted everyone to come so I can tell you guys

I made my final decision on, uh, the plea bargain the Government offered a few weeks ago, and so, um...

I'm going to be agreeing to this plea bargain, and court on the 9th.

So...

The recommended sentence on the part of the Government is eight years.

I won't be taken into custody at sentencing. I'm going to qualify for a self-report.

But it's a major, major important thing to them to say that our crime is the federal crime of terrorism.

Even though Daniel has now accepted a plea bargain, a hurdle still remains.

A federal judge must determine whether the fires qualify for something called the Terrorism Enhancement.

If the judge rules that Daniel's fires were terrorism,

Daniel could be sent to a new, ultra-restricted prison that was set up after 9/11 to house terrorists.

In the media and in the courtroom, the question is debated.

Eco-terrorism - terrorist acts by radical groups...

Eco-terrorists.

Eco-terrorism.

Environmental terrorists.

People need to question, like, this buzz word and how it's being used, and how it's, like, just become the new communists, it's become the new, you know, it's like the boogeyman, it's a boogeyman word, it's like, whoever I really disagree with is a terrorist.

Some people have a problem with, you know, calling this terrorism, but when you're basically making a threat when people go home at night wondering if they're going to be a target, uh, that's what terrorism is.

After the fire, for a long time, you really looked over your shoulder.

We put alarms in our home and things like that, that, uh, before, we hadn't thought about.

You know, being a New Yorker, with experiencing such serious terrorism first hand, it's like,

"How are you going to call someone who sets fire to an empty building a terrorist?"

It's just inappropriate in every way, and it's an insult.

The word "terrorism" to me is about killing humans, it's about ending innocent life. And that is the antithesis of what these people did.

Concern for life was a very big part of the plan and implementation of these actions, and is why no-one was ever harmed or injured in them.

1200 incidents are being accredited to the ELF and ALF in this country, and not a single injury or death.

Those statistics don't happen by accident.

Terrorist acts, under the definition in law, can vary all over the board.

There's no requirement for purposes of terrorism that you physically endanger another person's life.

I mean, you don't have to be Bonnie and Clyde to be a bank robber, and you don't have to be al-Qaeda to be a terrorist.

I don't think these people are terrorists.

I think, uh, the people and the agencies and the industry that they're fighting are the true terrorists.

When you've got big timber companies coming into the Northwest, clear-cutting old-growth forest, big oil companies with their big oil spills that cost billions and billions and billions of dollars.

You don't see the FBI raiding these executives' homes or anything like that, they aren't being threatened with life in prison.

All they really do is just pay a fine, and move on to the next court.

The old adage that one man's terrorist is another man's freedom fighter is true.

You know, if you agree with their motives... Wow.

They're a hero. They're not a terrorist at all.

If you disagree with their motives, then they're a terrorist.

That's tough, OK.

That's why it's a whole lot cleaner to deal with crimes.

Crime, non-crime, OK?

I'm good with that.

I can deal with arson. Arson is a crime.

Good, I can do that.

Yeah.

Is it terrorism? We'll find out.

You know, I read a book about doing time in federal prison, written by a lawyer who did time, and I'm very, you know, getting very prepared for the whole idea,

-but that doesn't necessarily make it any easier, you know?

-I know.

-You're not alone, even though you're in there by yourself.

-I know.

Just, um...sucks.

Sometimes it's hard not to just look at the whole situation and go, like,

"What the fuck? "How'd this all happen?" You know?

The situation with the environment, it's not getting better, it's getting worse.'

I'm not suggesting that the path of destruction, of destroying everything, is the right path, but I didn't know what to do.

It's like when you're screaming at the top of your lungs, and, like, no-one hears you.

Like, what the hell are you supposed to say? You know? What are you supposed to do?

Going to the courthouse?

The judge has sentenced Mr McGowan to 84 months in prison.

That's seven years.

The court also imposed the Terrorism Enhancement.

He's been branded as a terrorist in the media, he will be listed as a successful Government terror prosecution for the rest of his life and we are very disappointed.

We believe it's legally wrong and factually wrong.

Have a look at the trail here, right here.

Oh, my God, it fell through there.

The older I get, um, the more circumspect I become.

And, uh, I know now that the world is not black and white.

Um...

It's not that simple.

When you... When I first read about these arsons and became involved in the investigation of the arsons, you see all the damage and the harm they've done and the threats they made - they're not very likeable people at all.

Once you get to know them as a human being, you...

You start looking at their motivations, cos you're curious about it.

Why did they do such a horrible thing?

And you look at their background and you look at their childhood, and you look at how they have evolved from the days when they committed all these crimes, and then instead of just being a cold mugshot on a piece of paper, they become human beings, and so you begin to understand them, and that's not that you're saying you approve of their conduct or their behaviour, but you gain an understanding, an insight, as to how it came to pass that they started doing these things.

And then you're curious about how their lives will end up.

But only time will tell.

My stomach is flipping out!

-You OK?

-No, I got it.

-You sure?

-I gotta be independent.

-OK.

-You're not going to be there to advise me on stuff.

I'm in your corner.

I know. Thanks, Dad.

Thanks for everything.

SHE SOBS

I'll see you later.

SHE SNIFFS I love you too.

SHE SOBS

Music: Take us down and all apart cherry tree. Lay us out on the table...

The Ted K Archive

Marshall Curry, Daniel McGowan, Etc.
If a Tree Falls
A Story of the Earth Liberation Front
2011

Only partially formatted. The text could do with more headings and the deletion of some unnecessary paragraphs.

www.thetedkarchive.com