

# A Closer Look at the Green Scare

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There has been some discussion in radical circles—especially in the pages of the *Earth First! Journal*—about whether it is appropriate or accurate to use the term “Green Scare.” The argument, as I remember it, is that this backlash against radical environmentalists and animal liberationists is too small or targets a population too narrow to constitute a “Green Scare” (see *EF!J* January-February 2007). Further, some argue that by using this term, we alienate potential supporters and activists from other movements (see *EF!J* May-June 2007). I’ve reflected on this for the last couple of months and also have had the opportunity to discuss the original letter with its author.

Ironically, I appear to have been one of the first people to use the term—in a 2000–2001 edition of a newsletter I worked on called “Spirit of Freedom.” It’s immaterial whether I coined it or not—many people in different places at different times coin phrases or come up with ideas. I used the term to describe what I saw in the Northwest at the time: an increasing federal interest in incidents claimed by the Earth Liberation Front (ELF), greater demonization of activists who would not condemn ELF actions or would speak in support of them, many new bills being proposed to increase fines and sentences related to ELF and anti-genetic engineering actions, and a growth in the wise-use industry with the creation of Stop Eco-Violence—an “astro-turf” organization run by a former Public Relations hack for Louisiana Pacific logging. Since then, I have only seen more events living up to the term “Green Scare.”

Arguing against the term, detractors point to the limited number of people that have been arrested or caught up in various legal cases, such as the SHAC 7, Operation Backfire and the Sacramento ELF prosecutions. While we are technically, looking at a number that is clearly not huge, we lose something when we start reducing lives to numbers. Consider that each defendant has a family, friends and is part of a community. The repercussions of these prosecutions extend way beyond the number of defendants. I have seen this myself, as my family struggles with ways to explain my absence to my three-year-old niece. My case has four individuals whom the FBI considers “fugitives from justice,” going so far as to place “Most Wanted” posters for them on the “domestic terrorism” page of its website. How many people are affected by their absence and the harassment of the federal government in their attempts to arrest them? The impact of the Green Scare cannot be reduced to numbers.

The federal government has strange priorities and is incredibly concerned with the growth of the radical environmental and animal liberation movements. As things get worse in our society and as our demands for ecological sanity and compassion for animals gets ignored, many people inevitably lose faith in polite ways of affecting change and choose more radical methods. Knowing this, the government has used high-profile prosecutions like mine and the SHAC 7 case to spread fear, creating a serious chilling effect on our movements.

Let’s look at some aspects of my case (Operation Backfire) that illustrate my point:

The initial arrests were conducted as part of a multistate operation that arrested seven people, subpoenaed activists and made a huge media splash about the apprehen-

sion of “domestic terrorists.” The numbers would eventually grow to 14 arrests, four fugitives and one unindicted übersnitch named Jacob Ferguson.

The case was “cracked” with the creation of a Joint Terrorism Task Force based out of Portland, Oregon, with participants from many agencies—including the FBI; the Bureau of Alcohol, Tobacco, Firearms and Explosives; Eugene Portland police and Oregon state police; the US Forest Service and more. An estimated 40 agents have been cited as working on this case.

Grand juries investigating this case cast a wide net, essentially serving as a fishing expedition for suspects. No one knows exactly how many people cooperated with them, only that one person did not and served six months in a crappy county jail for refusing to testify.

The prosecution overcharged all of the defendants, not only with absurd numbers of arson counts (such as one count for each vehicle, not each incident) but also with the dreaded 924(c) count: “use of a destructive device.” This count has a mandatory 30-year sentence for one count and a mandatory life sentence for two. Who would want to gamble their life on that with a jury? We called this charge the “snitch maker.” The cop who arrested me said, “924(c)? Yeah, that’s what Chris McIntosh was charged with and look, he pleaded to eight years.” The implication was that I should be smart, cut my losses and start cooperating.

The prosecution and media called us “ecoterrorists,” “domestic terrorists” and, when they could get away with it, just plain old “terrorists.” For example, immediately after my arrest, federal agents raiding my New York City apartment told my neighbors that they were investigating a “domestic terrorism” situation. Then-Attorney General Alberto Gonzalez. Said in a national press conference about the case in January 2006, “Terrorism is terrorism, no matter what the cause.”

The government argued for a “federal crime of terrorism” enhancement for eight of 10 defendants in my case. The legal definition of the enhancement was broad; if the judge thought our behavior was designed to coerce government behavior, we got it. I received it due to one sentence in the communiqué for an action I was involved in that referenced the Oregon and Washington legislatures. Many of us got this enhancement even for actions in which private businesses, not government agencies, were targeted. Despite not being charged with domestic terrorism charges, we nonetheless are now considered terrorists. The linkage of sabotage with terrorism in this case is a stunning legal and public relations victory for the government.

Wiretaps, suicide, snitches—is this starting to sound like a Green Scare to you?

The true effects of the Green Scare may not be felt for some time, but the fear is palpable in the Northwest. There seems to be very little resistance to ecological destruction in a region that was full of grassroots campaigns against old-growth logging for the past 30 years. On many occasions, I have heard how these cases have freaked people out. “Will I be prosecuted under the Animal Enterprise Terrorism Act?” “I’ve dug up a logging road. Will the government paint me as a terrorist?” When people are scared, they get paralyzed. They wring their hands and theorize about horrible

outcomes to their activism. So, we need to look at these prosecutions as more than the government's line of "just catching people who break the law." If we let them scare us into inactivity, then this Green Scare will be successful for the corporations that continue to destroy the planet with impunity.

In writing about this topic, I have inevitably focused on Operation Backfire, as it's what I know the most about. To get the full grasp of the Green Scare, you have to look at the other cases: Eric McDavid, who is facing years in prison on a conspiracy charge orchestrated by a paid agent provocateur; Rod Coronado, who, after serving an eight-month sentence for a hunt sabotage (an unprecedented amount of time), is now fighting a 20-year "destructive device" charge for *speaking* about an incident he already served time for; the SHAC 7; and Tre Arrow, who is fighting extradition from Canada after having been charged with two ELF actions and who also faces the dreaded 924(c) charges, yet he asserts his innocence!

When discussing the appropriateness of the term, "Green Scare," maybe we need to really take a step back and have a frank look at the effects of these new laws and prosecutions. While it doesn't compare in scope to the red scares of the 20<sup>th</sup> century, does that make it any less relevant to us now? If people find the term to be an exaggeration, talk to them about the lives affected by the prosecutions, the campaigns disrupted and opportunities lost when we are organizing only around legal defense and not for proactive campaigns—to end old-growth logging, for instance.

If there is a bright spot to all of this, it's that, in its quest to destroy this movement, the government has succeeded in bringing a lot of people together. For that, I'm grateful. When it comes down to it, whether we use the term "Green Scare" isn't the point—it's that we acknowledge the impact these actions by the government and corporations have had on us and work for solutions to overcome them.

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