

Brooklyn activist faces life in prison on 16-count arson indictment; Bail Denied, Extradiction to Eugene, Ore. Pending

Jed Brandt 2005-12-08 23:39UPDATE: Bail has been denied in the case of Daniel McGowan, and each of the other arrestees around the country. McGowan will be held pending his extradition to Eugene, Ore. and his arraignment.

According to spectators at Friday's hearing, prosecutors read through posts on the NYC Indymedia newswire (including this article) and mentioned them as part of the bail hearing. They made mention of other electronic communications on Thursday, and undoubtedly their attentions are ranging far and wide.

Please refrain from speculation and innuendo on Indymedia posts related to this case.

Federal marshals arrested six environmental activists in a series of coordinated raids in four states yesterday, Dec. 8, in apparent response to a string of arsons in Oregon and Washington attributed to the Earth Liberation Front (ELF), including simultaneous attacks in 2001 at the University of Washington's Urban Horticulture Center and the Jefferson Poplar Farms in Clatskanie, Oregon. Daniel McGowan, 31 was arrested in New York City. Authorities have also stated that there will be more arrests, with at least one indictment immediately outstanding.

BROOKLYN, N.Y. -- Federal marshals arrested six environmental activists in a series of coordinated raids in four states yesterday, Dec. 8, in apparent response to a string of arsons in Oregon and Washington attributed to the Earth Liberation Front (ELF), including simultaneous attacks in 2001 at the University of Washington's Urban Horticulture Center and the Jefferson Poplar Farms in Clatskanie, Oregon.

Daniel McGowan, 31, was arrested in New York City while working at WomensLaw.org, an advocacy organization that provides legal information for victims of domestic violence. He was held overnight, and brought before a judge in the Brooklyn Federal Court to determine whether he would be released on bail pending his arraignment and trial in Eugene, Oregon. The hearing is currently adjourned until Friday, Dec. 9 at 2 pm, while the judge will review a surveillance recording that an arresting detective alleges demonstrates McGowan is a flight risk.

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McGowan is better known to the New York media as Jamie Moran, a pen name he used to protect his private life while acting as a rowdy spokesperson for anti-Bush protesters in the lead-up to the 2004 Republican National Convention (RNC). Several stories were written about his good-humored activism in Rolling Stone and the New York Times, as well as The Independent. "Jamie," as many New York activists came to know McGowan, was always ready to encourage others to stand up for what they thought was right.

Outspoken with his anti-authoritarian politics, McGowan challenged NYPD Commissioner Ray Kelly and the Daily News rumor machine on their claims of a violent "anarchist menace" that was supposed to rain chaos on the city. McGowan's good humor and total rejection of the institutions of government were plain-stated and heartfelt.

Despite all the pre-RNC fear-mongering, the main anarchist contributions to the historic anti-Bush protests were a bike ride, housing out-of-town activists and a day of entirely non-violent protests with 1,800 arrests. Almost all the charges were eventually dismissed as baseless and a civil suit against the city is still pending, but police repression throughout the convention was justified by the blanket of fear that they themselves had spread.

Fast forward to today...

McGowan is under a 16-count indictment related to his alleged involvement in the 2001 Poplar Farms arson, and a separate incident earlier in the same year at the offices of a lumber company. Federal prosecutors are further alleging that he is a member of the Earth Liberation Front (ELF), a decentralized direct-action movement responsible for over \$100 million in damages to urban "sprawl" developments and SUV dealerships. The ELF has made the top of the FBI's list of domestic

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threats.

McGowan faces mandatory minimum sentences of 30 years each on two major charges, which, if pressed to trial, threaten a life sentence. Stanislas Meyerhoff, 28, was also charged in the tree farm fire and is being held in Virginia. According to the Dept. of Justice, he also faces life in prison. Additional arrests and raids happened in Prescott, Arizona and Springfield Oregon in related cases.

McGowan and Meyerhoff are facing the most severe sentences for non-violent sabotage in United States history.

McGowan totally denies any involvement with arson, and denies membership in the ELF. This reporter has no information about Meyerhoff beyond what has appeared in the media and on the DoJ's website.

One activist familiar with government prosecutions directed at the militant wing of the animal rights movement, present at the Brooklyn Federal Courthouse, noted that prosecutors routinely "throw the book" at defendants during pre-trial motions in order to deny bail to the accused and spread panic among the like-minded, but that the most serious charges often can't be backed up and are dropped once trial proceeds.

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National Lawyers Guild attorney Martin Stolar is representing the defense in his New York court appearances.

Stolar informed the presiding judge that McGowan's father, a retired police officer, mother and sisters were all willing to put their homes and co-ops up for bail -- worth up to an estimated \$1,000,000 -- and that McGowan was confident of an acquittal, the wet-behind-the-ears prosecutor went into the audience benches to consult with a white-haired man who turned out to be the federal prosecutor responsible for Eugene, Ore.

After whispering for a few minutes. the prosecutor spoke with a Eugene detective working on the case, who is also deputized as a federal marshal. and asserted that the detective had heard "recordings" of the defendant saying he had been "hiding out" in Canada several years back, though not necessarily in relation to any particular event, or from any particular governmental entity.

The recording was not a phone tap, but had been made at a location in "northern Manhattan" in 2005.

Considering this alleged recording made by an undisclosed source and the severity of the charges, the judge said that she was inclined to deny bail.

Stolar immediately noted that this had not been introduced into the hearing before bail was offered, and that this was hearsay.

Following this, the detective took the stand under oath saying that he heard McGowan say he had been "hiding out," or that he "hid" in Canada. During the time he is alleged to have been hiding, there were no charges pending or warrants outstanding against him. For his part, McGowan said that he was on a vacation in Canada and has lived openly in Eugene and New York, as well as taking trips to Canada.

On cross-examination, Stolar asked the detective if the recording was made by a "cooperating witness." The prosecution objected and the judge sustained the objection.

The source of the recording remains unknown. The prosecutor said that more information on the recording could not be shared in court because this is an ongoing investigation, with further arrests pending.

Stolar noted that this alleged recording could have been of anyone, and insisted that before the judge deny bail, that she should at least hear the recording to verify that the detective had testified truthfully. The detective said that the recording was in his hotel room, and noting the lateness of the day, adjourned the hearing until 2 p.m. tomorrow (Friday, Dec. 9).

The prosecution also insisted that defense council not be allowed to hear the recording, as it would compromise the ongoing investigation of this 5-year old case.

Speaking outside the courthouse, Stolar was optimistic that if the recording is inconsistent with the detective's testimony, the chance of bail being granted was "better than what it was."

Whether McGowan is released on bail or not, the next venue for arraignment and possible trial will be in Eugene, Oregon.

Aside from two dozen supporters and friends, McGowan's immediate family, girlfriend and co-workers were in attendance. Many were shocked at the severity of the charges, with co-workers saying that he is the "nice guy who cracks everyone up"

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at the job.

McGowan's girlfriend was visibly distraught, having come home to their apartment and finding it torn apart by police and her partner facing life in prison.

----- From the Department of Justice's announcement of the nationally coordinated raids:

"These indictments and arrests were the result of a nine year investigation of numerous arsons in the Northwest and other states. In many of the fires the Animal Liberation Front (ALF) and Earth Liberation Front (ELF) claimed responsibility. Participating in the extensive investigation were the Federal Bureau of Investigation (FBI), the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), the Eugene Police Department, the Portland Police Bureau, the Oregon State Police, the U.S. Forest Service, the U.S. Bureau of Land Management, the U.S. Department of Agriculture, the Oregon Department of Justice and the Lane County Sheriff's Office. The investigation is continuing."

One activist has noted that minimum and maximum sentences threatened by prosecutors are just a way of "putting the fear of God" into movements, and as a means of denying bail. The actual charges will not be known until the upcoming arraignment in Eugene, Oregon.

<http://nyc.indymedia.orgen/2005/12/61651.shtml>