

Report from Chelsea Gerlach's Sentencing

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Summary:

Today in Eugene federal court, eco-sabotage defendant Chelsea Gerlach was sentenced to nine years in prison. Full notes from the sentencing hearing follow below.

Chelsea Gerlach's Sentencing - 5/25/07

Judge Ann Aiken began today's proceedings by commenting that she was relieved to read in the news that suspects from Portland's car arsons have been arrested and that there appears to be no relation to the ELF or eco-sabotage motives.

Government Arguments

US Atty Stephen Peiffer began the government's arguments by saying that Chelsea had been involved in arsons at Childers Meat Co., Boise Cascade in Monmouth, West Eugene police substation, Jefferson Poplar, BPA and Vail; and that the arsons were intended to intimidate, coerce or retaliate against government. He said that she had evolved into a "very accomplished criminal" over her span of time in the ELF cell.

He then spoke about Chelsea's introduction to radical activism through Earth First!, saying that her father had given her a copy of the EF! Journal, gave her a car, and allowed her to drive to Cove Mallard, Idaho at age 16 to participate in a direct action campaign. There she was arrested for blocking a road, and there she met Bill Rogers. He said the defense would try to argue that Chelsea was led astray by Rogers, but that she couldn't blame him, her parents, EF! or Meyerhoff for her actions, as her criminal conduct continued even after 2001 when the cell disbanded. At age 14, she spoke at the PIELC (Public Interest Environmental Law Conference) in Eugene, and met Meyerhoff at South Eugene High School in 1994. He said, at the time, Meyerhoff was not an environmentalist and that Chelsea led him down the road to extreme environmentalism. Eventually she went to The Evergreen State College in Olympia, WA, went to the Warner Creek in 1996, and another direct action campaign in the Olympic National Forest in 1997.

He said that during her tenure as a civil disobedience activist, she became frustrated at the ineffectiveness of those campaigns. She then left school, moved in with anarchists, and began to read Rogers' zines about

incendiary devices. At one point, she went to Mt. Graham observatory (AZ) with Rogers who, as a test, planned with her to shoot out the telescope lens. The plan was aborted when they were discovered by security guards. Peiffer said Chelsea developed "malice toward anyone who didn't live up to her standards". In 1998, he said she drove to the BLM Rock Springs, WY wild horse corral where horses were released. Plans to torch the site were aborted when the horses began to stampede toward the town of Rock Springs.

Peiffer then spoke about Vail, saying that Chelsea and others' arson there did a huge disservice to the legitimate, lawful opposition of groups that had been fighting the expansion of the ski resort for years. (I wanted to ask him if any of these groups were being monitored or on their watchlists.) He said "they are her victims, too" and that after the fire, the environmental groups lost their lawsuit. He said Rogers recruited Gerlach and Meyerhoff, and then Chelsea drove them in her truck to Utah where they rented a hotel room to build their destructive devices (which were abandoned when they realized the cold and altitude of the site would hamper them). They drove to Vail, up a narrow rutted road in the snow and were unable to reach the summit, so they came back down the mountain where Meyerhoff backed out of the operation. Peiffer said Chelsea drove Rogers back up the mountain then waited in the truck while Rogers hiked the rest of the way on foot and lit the fuel by hand, torching 8 buildings spread over a 1.4 mile area at an elevation of 11,250 ft., which he called "amazing". He said there was a patrol member in the process of moving into the newly built patrol building, but thankfully wasn't there yet. When Rogers came back down the mountain, he was injured and having difficulty walking, but Chelsea had slept in the truck and was waiting for him. They then drove to Denver and went to the library where they wrote and sent the communique. Peiffer then showed slides of the resort burning, the damage after the fire, and the approximate spot Chelsea had spent the night and stashed supplies. He said that for restitution purposes, damage was \$12M, but when costs of business lost and other expenses were added, the total came to \$24.5M. Peiffer asked that the terrorism enhancement be applied.

Peiffer spoke about Childers Meat Co., where Chelsea did recon, was a lookout and wrote the communique. Then he spoke about The Boise Cascade office in Monmouth, where she served as lookout and wrote and sent the communique from an internet cafe (which was meant to intimidate and coerce the government, so should get the terrorism enhancement). The Bonneville Power Administration tower was an action that Chelsea had researched to find a remote tower that was on the

main grid to L.A. He said the intent of that action was to destroy electrical transmission to start Y2K troubles. Destruction of an energy facility is one of the predicate crimes for the federal terrorism law, so he asked for the enhancement on this action.

He spent more time on the West Eugene Police Substation attempted arson, saying that Gerlach chose the target, in a mixed-use neighborhood next to a hospital, university and businesses... with no regard for human life. He said she chose the target because anarchists in Eugene wanted revenge for street battles, jail time and pepper spray. He said the team rented a motel room in Salem and built a "clean room" to create the devices to be used, and that Gerlach helped to assemble the devices and carried one to the site in her backpack. Since the devices failed, he said they sent no communique. He said, "There's no telling what would have happened, if they had been successful and no one had been hurt, they would have claimed victory." He asked for the terrorism enhancement due to the fact that it was a government building.

At the Jefferson Poplar Farm action, Peiffer asserted that Chelsea did the research, connected Jefferson Poplar and the University of Washington Horticulture Center to the Tree Genetic Research Cooperative, a group working to share research about genetically modified fast-growing poplar trees. He said that what Chelsea didn't know was that by the time they did the action, JPF had changed hands and it was no longer engaged in genetic research. He stated that Gerlach was involved in recon of the site with Meyerhoff and Daniel McGowan, and that Gerlach and McGowan wrote the communique. He said the language of the communique was retaliatory to the Oregon and Washington legislatures, and therefore should have the terrorism enhancement applied. He said that after that action, Craig Rosebraugh, the ELF press officer at the time, rewrote the communique to omit the reference to genetically modified trees, which angered the group. Peiffer said members of the cell didn't trust Rosebraugh. Dibee drove Chelsea to Vancouver, BC to talk to Darren Thurston, whom Chelsea had not yet met. She asked Thurston to convey the anger to Rosebraugh, which he did in an email. Peiffer said Rosebraugh then drove to BC to talk to Thurston, and told him he no longer wished to be press officer.

Peiffer said Chelsea had attended five Book Club meetings where discussions and workshops were held on constructing devices and timers, encryption, and use of code, among other things. These book club meetings took place in Springfield, OR, Santa Cruz, Tucson, Olympia. The last was in Sisters, OR, where things had begun to fall apart. He said

Chelsea's involvement at these five meetings showed her deep involvement, a certain degree of leadership ("though we're not asking for a leadership departure"), and that she was trusted and admired by the group.

He then mentioned her involvement in crimes she is uncharged for, including an April, 2001 action to destroy genetically engineered plants at Oregon State University. He showed the communique, written by Gerlach, that was addressed personally to the president of the Tree Genetic Engineering Cooperative. Peiffer called it a "sophisticated, well-researched document." Other uncharged actions occurred at an Eastern Oregon genetically engineered crop site, the Biolabs beagle rescue in Orange, CA (which Peiffer called common thievery), and a 2001 break-in at a primate research facility in Arizona.

In 2002, Peiffer said, after the cell had disbanded, Joseph Dibee gave Gerlach \$10,000 to perform reconnaissance at oil and high-tech sites around the country.

From 2001-2005, Peiffer said Gerlach was involved with Darren Thurston, both romantically and criminally, selling drugs to survive, creating fraudulent identification, and purchasing firearms. He said she led agents, soon after deciding to cooperate, to a cache of guns in the Siuslaw National Forest. Peiffer said Thurston told the government he and Chelsea had made and tested HMTD (an explosive) in Portland, then drove to Redway, California where they met with a representative of the EZLN (Zapatistas) and, using 7-10 grams of the substance, blew up a stump to demonstrate. Peiffer railed for a moment about how Chelsea had been harboring an illegal alien (Thurston), purchasing weapons for him, and assisting him with illegal border crossings, all criminal acts she was not being charged for.

He summed up by asking for 120 month sentence and restitution to the sum of \$16M.

Defense Arguments

Craig Weinermann, defense counsel for Gerlach, said he wanted to focus on two things in his arguments: 1)How Chelsea was introduced to radical action, and 2)The nature of her cooperation. A DVD was submitted to the judge with testimony from family and others. Weinerman asked that the DVD not be played in open court, due to Chelsea's deep concerns for her privacy. Aiken agreed that the DVD not be shown in open court in front of

the media. He said he normally does not like to discuss cooperation in court, but since it seemed very important to the court, he would. He said that Chelsea cooperated not only when she was arrested, but took extraordinary post-plea actions, when she stood to gain nothing, to convince the other defendants not to go to trial and to take pleas. Weinerman said the government had not taken her exemplary cooperation into consideration when compiling their sentencing recommendation, so he would ask the judge to do justice by downward departure.

He spoke about Bill Rogers for quite some time, and said he had profoundly influenced Gerlach. He said he mentioned it not by way of excuse, but in order to understand how Chelsea came to be in the situation, it was necessary. Gerlach was 16 when she met Rogers at Cove Mallard, Rogers was 28. He said Gerlach looked to him as a mentor and confidant, that she looked up to and admired him, and that he exploited her, and recruited her into the so-called "Family". He characterized Rogers as "The Mastermind" of the whole cell, said that he recruited six of the members. He said that if Chelsea hadn't met Rogers, she probably would never have strayed beyond the boundaries of simple civil disobedience in her actions.

He then showed slides of Chelsea as a child, always smiling with her parents. Weinerman said he believed Chelsea had grown up too fast, and was taught that environmental degradation is immoral. He showed slides of her in the student newspaper at South Eugene High School, speaking at age 14 at the PIELC about civil disobedience, and said she was deeply committed to finding non-violent solutions to environmental degradation. He said she was raised with the Earth First! Journal around the house where, at 16, she read about Cove Mallard. Her father gave her a car and she drove to Idaho to participate in the campaign, and stayed for about two months. He said that most of the adults there were supportive and protective of her... but not all. Bill Rogers was 28, and he had a dark side. Weinerman said, "He knew he could exploit her, and he began grooming her." Chelsea went back to Eugene to graduate from high school. Weinerman said, "The government says Chelsea dragged Meyerhoff into the movement. We say, when they are both the same age, within arm's length of each other, no one has more power over the other. The way Chelsea was brought in was NOT the same. Rogers had the power. Chelsea and Meyerhoff evolved together." Chelsea went to The Evergreen State College in Olympia where she became involved in environmental groups, but she became frustrated with a restless desire to do more, and called Rogers for advice. He told her they were going to

start a group that would affect "real change". It was a destructive turn in Chelsea's life. Rogers encouraged her to distance herself from her family and social circle. In the spring of 1997, Gerlach and Meyerhoff were living together in Phoenix, when Rogers showed up and said, "We've got something big to do." They drove to Colorado.

Weinerman said Rogers had recruited other young kids, Nathan Block and Joyanna Zacher. He said Rogers authored the "Black Cat Sabotage Manual". He said there was more to Rogers' dark side, and that at the Book Club meeting in Olympia, the group discussed sexual abuse issues. He said that in discussions with Chelsea's investigator, Paul Brown, activists Kim Marks and Peg Millet had characterized Rogers as a sexual predator.

As to Gerlach's level of cooperation, Weinerman said Gerlach had not been as "compulsive" as Meyerhoff, and waited to talk to counsel first. He said it was a very difficult decision for Ms. Gerlach. He said she knew she would be ostracized. At the time, 30 to life was being threatened, he said, and when she asked, "What will happen if I cooperate?" he said he couldn't give her an answer. She had to trust people she really didn't trust, he said, and she had to trust the government to treat her fairly. He said, "There was also a concern that this case was being politicized... that shots were being called in Washington." He said her decision was "agonizing". He said, "She did more than talk the talk, " saying anyone can apologize in court, but that Chelsea was "walking the walk".

He then described how Chelsea had encouraged Darren Thurston to cooperate. (Darren was in the courtroom.) They met in Portland, and in the presence of federal agents, prosecutors, attorneys, Chelsea made her plea with Thurston. Weinerman then read notes from the meeting, in which Chelsea said, "I'm speaking from my heart. I didn't know if we'd ever see each other again. At first, I didn't want to put people in jail, but then I realized... I could be a martyr, or I could have a life. I chose a life." She also said, "The mandatory minimums suck." She told Thurston there that she had revealed to the government about the guns and drugs, and said, "You have to tell them everything. Do the right thing." Weinerman said that after Gerlach entered her plea, she was concerned about the rest of the defendants, so she arranged to meet with McGowan's, Block's and Zacher's attorneys. She told them she was being treated fairly, and that they should not go to trial and face the mandatory minimums. Weinerman said the government had mentioned Chelsea's influence had an effect, but their sentencing recommendation did not reflect this. He asked for no more than 72 months' sentence for Gerlach. He asked that

the judge write a letter recommending Chelsea be housed at FCI Dublin (CA).

Co-counsel for Gerlach, Mr. Ehlers, gave a statement, as well. He said that he was there when Chelsea was arrested, and had seen how difficult she was going to be. She didn't trust him because he was a court-appointed lawyer. He said, "I had to overcome her doubts." He said the change he had seen in Gerlach was remarkable. That she struggled very hard with the cooperation decision. He said that when she decided to cooperate, he met with her for 16 hours at Lane County Jail, and she did not like it. He said he had to assure himself that when she met with the US Attorneys, she would be truthful. When she finally did meet with them, he said, "She embraced the role." He said he was amazed at her ability to remember PGP passwords with over a dozen alpha-numeric characters, and that when she went to the Siuslaw National Forest with agents, dogs, and metal detectors, it took her memory to find the cache of weapons. He said she took a positive and caring attitude toward others, and that her love of nature impressed him. He said she was one of the kindest people he had ever defended. He summed up by saying, "In stark terms, Bill Rogers was a pedophile." He said it was the shame of being exposed that led him to commit suicide, and that he had victimized Chelsea in a way that would be with her the rest of her life. He urged the judge to hand down a sentence that was sufficient but not excessive.

Chelsea read a statement to the court in which she apologized to the people hurt by her actions. She said her beliefs were no excuse "for being so cavalier". She said she took full responsibility for her choices, that she doesn't blame her parents whom she loves very much. Her voice broke when she said her parents had taught her that violence was never a viable choice. She said by way of explanation that for every piece of wilderness saved, so many more were destroyed. She said she was glad to be brought up with such a love of nature, but that she knew she must adopt peaceful means to make change. She spoke about her burgeoning spiritual practice, and her gratitude at being given a chance to redeem herself. She said she has plans to tutor in prison, and believes prison is a place she could make some positive contributions.

Judge Aiken responded by saying she thought Gerlach's statements were insightful and thoughtful. "You are sentencing yourself to a better life." She said that most people will come out of prison bitter, angry and likely to re-commit. She said our obligation as a society is to see that the people coming out of prison are people we can embrace and welcome back into the community. She then read an excerpt from a book (that I

didn't catch the name of) whose message was "service is the rent we pay for living". She then berated Chelsea's parents for allowing a sixteen year old to drive to Idaho alone and become prey to the likes of Bill Rogers. She said, "That's not how you raise children." She said she hopes people are listening, that if parents don't stop being so self-absorbed she will be seeing a lot more smart young people going away to prison. About her job, she said, "If we don't believe in people, this job would be nothing more than pushing paper. There can be nothing more important than giving young people a future and hope. You will be given a chance to rejoin the community. However, you must be held accountable for your crimes." She said Gerlach's crimes had caused fear and destroyed people's property. She also said she hoped Gerlach would choose more positive means to affect change in the world. "The legitimate actions of the environmental movement live under a cloud of suspicion in part because of your actions." However, she noted Gerlach's extraordinary cooperation, and said, "Your courage is noted."

She then sentenced Chelsea Gerlach to 9 yrs. The terrorism enhancement was applied for Jefferson Poplar, WEPD, and BPA.

Gerlach's lawyers moved that she be released pending self-surrender, and the government did not object. However, a representative from pre-trial services said that nothing had changed from their perspective. Judge Aiken said she was going to err on the side of caution and not allow it. She said, "Someone needs to set boundaries, so I'm taking the role of a parent and setting boundaries."