

## **Daniel McGowan's Sentencing Report**

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### *Summary:*

*On June 4, 2007, Daniel McGowan was sentenced to 84 months (7 years) in a federal detention facility, followed by three years of supervised probation. The terrorism enhancement was applied to the Jefferson Poplar Farm arson. Judge Aiken departed downward of the lowest end of the government's recommended sentence for the positive works Daniel is doing in the community.*

### **Report from Daniel McGowan Sentencing Hearing, 6/4/07**

Asst. U.S. Atty. Stephen Peifer for the government:

Daniel McGowan has plead guilty to one count of conspiracy, and arson charges related to actions at Superior Lumber in Glendale, Oregon and Jefferson Poplar Farm in Clatskanie, Oregon. His aliases have included Dylan Kay, Jamie Moran, Sorrel, Djenni, Rabid, Agent Tart Classique, and Agent Key Lime. Peifer said he has had lengthy involvement with many underground groups, including the Biotic Baking Brigade (BBB), California Croppers, Cropistas, Reclaim the Seeds, Washington Tree Improvement Association, and Anarchist Golfers' Association. Although many co-defendants in this case have said in court that they had never used the name "The Family", McGowan used it often and repeatedly.

Daniel, he said, was two different people; the one his family and friends knew, and his underground persona. He characterized Daniel as having a "Jeekyll and Hyde" personality. He said that, like Tubbs who committed his first arson solo, in 1997 Daniel "acted alone", breaking windows and spray painting "ALF" at a Macy's in Brooklyn for selling furs, Zamir Furs in Brooklyn, and a business called "Evolution" that sold parts of endangered animals.

In 1998, Daniel moved to San Francisco where he met Suzanne Savoie. In November of that year, he threw a pie in the face of the Sierra Club president. Peifer said this was "more than a symbolic act", and that by this time, Daniel had given up on mainstream environmentalism. Also that month, Daniel pied The CEO of Novartis Seeds and the Dean of Natural Resources at UC Berkeley. The communiqués attributed the acts to the Biotic Baking Brigade. Peifer said that Daniel was associated with the group as late as 2004. The same year, Daniel targeted Fidelity

Investments (for their investment in Occidental Petroleum) by throwing etching solution on their windows. In December, there was a power outage in San Francisco, and Peifer stated that Daniel took advantage of the opportunity to target the Bank of America with paint-filled balloons "apparently just because it was a financial institution".

In July 1999, Daniel performed reconnaissance at a UC-Berkeley plant research facility. He drew a diagram of the genetically engineered corn crop, which was then used by others to tear the crops up. Daniel was not there, Peifer said, because he was busy in Lodi, California (with a group calling themselves the Lodi Loppers) destroying GE corn owned by Eureka Seeds. The communiqué, was written by Daniel. The same year, Daniel was involved in another action against genetic engineering with a group called Reclaim the Seeds. At the end of 1999, Daniel moved to Seattle to begin preparing for the WTO ministerial, but, according to Peifer, "his work lived on" in a 'zine called The Nighttime Gardener, posted on the Bioengineering Action Network's website. Peifer said it was similar to the how-to guides written by Bill Rodgers, with instructions on how to attack research facilities and "destroy years of researchers' work". While living in Seattle, Daniel and Suzanne Savoie travelled to Pullman, Washington to target a potato research facility [I'd like to note here, that Peifer never once said the words "genetic engineering" in describing all these "facilities" and "research"], but the action was called off due to a vehicle breakdown. In November, three days before the WTO battle, there were attacks at two GE crop sites, in Puyallup, Washington and at the University of Washington (which Peifer called "prophetic"). Daniel wasn't there because he was sick and denied writing the communiqué, but said that parts of it appeared to be based on his research. The communiqué makes reference to Toby Bradshaw, whose office was later targeted during the "Double Whammy" arson at the University of Washington.

From November 30 through December 2, the WTO met [or tried to] in Seattle. Peifer said Daniel was an "integral part" of the black bloc actions of property destruction. He said Seattle was "understaffed by police" who " had their hands full" dealing with non-violent "legal protesters". He referred again to the planned action at Cargill that he said was called off because the team didn't want to "tangle with Longshoremen" at the site. "McGowan changed his plans and rampaged through the streets instead," Peifer said, "using a tire iron to smash windows. McGowan favored the use of a slingshot with ball bearings, which sounds as dangerous as it is."

In 2000, Daniel moved to Eugene, where he was invited to attend his first

"book club" meeting, but he didn't go to that one. "By that time, he was a trusted member of the Family, otherwise he would not have been invited," said Peifer. Daniel committed acts of vandalism around Eugene -- at Umpqua Bank, and at a "health food store", according to Peifer. For a short time, Daniel worked for the Earth First! Journal, which was not "radical or extreme enough" for him, says Peifer, who quoted a line from a letter to the Journal from "Rabid" that read, "If Earth First! won't support the ELF, who will?" In June of 2000 with Savoie, Daniel targeted the Pure Seed Testing Company in Canby, Oregon, destroying their greenhouses and test plots, and causing half a million in damage. The communiqué released by the Anarchist Golfers' Association was "full of McGowan's well-known humor and ridicule," according to Peifer. The communiqué blamed the US Forest Service and APHIS for their role in biological destruction, which Peifer said was another example of how Daniel has targeted government agencies and private facilities "over and over again" to intimidate, coerce and retaliate.

The following month, Daniel travelled to the Midwest to work with an entirely different cell. Peifer said that the plea agreement does not require Daniel to name names, but that the Midwest group is an entirely different cell of people and that Daniel is protecting them and thwarting their investigation by refusing to name them -- "not that there haven't been leads," he said. While in the Midwest, Daniel researched and carried out an attack on the a US Forest Service Biotechnology Laboratory in Rheinland, Wisconsin, which Peifer said was "looking for alternative ways to create wood pulp to save trees". Over one million dollars in damage was done, and Daniel wrote the communiqué. In September, Daniel attended the "book club" meeting in Santa Cruz, where he "lectured" to the others about actions against genetic engineering. That December, Daniel performed a recon mission at Jefferson Poplar, which was a large and challenging target, so the action was put off, and instead, Superior Lumber was targeted. Daniel reconnoitered the site a week before the arson, and moved into a nearby house "solely to prepare". He "lived with the devices and fuel" and on the night of the action, helped load the vehicle and rode with the crew, changed into dark clothing, checked the radios, and acted as lookout while the others set the devices that caused over a million dollars damage. After the action, Daniel and Savoie went to Portland and used a public computer to write the communiqué. Peifer said Daniel went into the bathroom at Powell's Books to assemble the communiqué, "almost like Mission Impossible".

In January of 2001, Daniel attended his second "book club" meeting in Olympia, prior to the "Double Whammy" and Romania fires. In March,

Daniel played a "major role" in the tree spiking of the Judie timber sale. Peifer said Daniel researched tree spiking, so he "knew about the danger to loggers and millworkersmill workers", that he purchased the nails and spikes, and that he personally recruited others. They worked for two and a half hours, "wearing headlamps like miners" and spiked the trees high and low, cutting off the ends of some so that loggers would not see the nails. Daniel wrote the communiqué, which stated that, "All responsibility for worker safety now lies with the owner of the sale, Seneca Jones Corporation and their accomplices, the Forest Service. Cancel this sale immediately." Peifer said that Daniel's actions were "callous and reckless", and that tree spiking was renounced by Judi Bari before Redwood Summer.

Daniel was not involved in the Romania arson, but Meyerhoff came to Daniel to approve the communiqué. Daniel was concerned that the communiqué mentioned Free and Critter, but was unable to sway the group to change it.

Originally, the action at Jefferson Poplar was supposed to be "simply destroying the trees" as with other GE actions Daniel had participated in, but this was "ratcheted up to arson". Daniel knew about the "Double Whammy" (simultaneous arsons planned for the University of Washington Horticulture Center and Jefferson Poplar in Oregon). Peifer called it a "well-planned and coordinated crime". Daniel helped purchase the needed supplies and took part in the construction of the devices wearing a Tyvek "clean suit" and gloves. He set the devices in the office and garage using "trailers" of bedsheets soaked in fuel to link the vehicles together, and spray painted "ELF" on the unburned building. Regarding the placement of a device near a propane tank, Peifer said Daniel and Meyerhoff had a brief discussion about it and that Daniel expressed concern, but ultimately it was still left there. Gerlach and Daniel wrote the communiqué, which was out to get the government, according to Peifer.

Peifer spoke again about how there had been a disagreement, involving Craig Rosebraugh, about alterations made to the communiqué, and that Rosebraugh "lost his job over it.", which illustrates Daniel's "depth of involvement" in the movement. Peifer showed an overhead projection of the Spirit of Freedom newsletter from June/July of '01, which Daniel published (as part of the North American Earth Liberation Prisoner Support Network he established and ran) that contained an article entitled "Fascist Legislation in the Works" about laws being passed in Oregon and Washington targeting direct action activists. Peifer used the exhibit to show that Daniel had an interest in influencing government and

should have the terrorism enhancement applied in the Jefferson Poplar fire. He said, "For years, McGowan has been targeting government and private facilities."

At Daniel's third "book club" meeting, held in Sisters, Oregon, the altered communiqué was discussed, as was the possible dissolution of "The Family". On June 18th of 2001, Daniel damaged logging equipment totaling \$22,000, and in July he dug up and damaged culverts at a timber sale in Oregon. Following that action, he went to Canada, and "tries to make it look innocent", says Peifer, but Grand Juries were being convened in Eugene and people subpoenaed, so Daniel left to "avoid getting arrested". He returned to Eugene briefly before moving back to New York. Peifer made the "Jekyll and Hyde" allusion again, saying that during his time back in New York, Daniel engaged in "legitimate" activism while remaining sympathetic to direct action tactics. As for Daniel's prisoner support work, Peifer said he was only willing to support those who had not cooperated with law enforcement and that his current support is filled with "like-minded people".

On January 20, 2004, Daniel stood by while someone tossed a pie into the face of Randall Terry, founder of right-wingnut pro-life wackos Operation Rescue [my words, not Peifer's. But the following are Peifer's words:] "Apparently free speech and lawful protest only go so far with Mr. McGowan." Daniel wrote the communiqué, which was signed, Agent Key Lime. Also in 2004, Daniel was a key organizer for RNC Not Welcome website designed "to make conventioners feel unwelcome in his hometown." He Peifer showed articles from the New York Times and Salon.com in which Daniel, going by the name Jamie Moran, disavows violence against people, but not property. Peifer said Daniel was "directing his cadre of anarchists, dogging delegates, and trying to make Republicans' lives as miserable as possible."

Peifer then played excerpts of the recorded conversations Daniel had with the wired [double entendre] Jake Ferguson. In the recordings, captured when Ferguson visited Daniel in New York in April of 2005 and again when Daniel visited Eugene in August that year, they discuss whether the actions had any lasting effect. Daniel said he felt the actions had been a powerful symbol, even though most of the targets had been rebuilt. He referred to Vail as a "recruitment drive", and expressed that he felt the actions had been successful in changing public perception. Daniel also expressed concern about others in the cell turning on each other, and said that if any of them were ever captured, he would find the money to hire the best lawyer available for that person. He said the only reasons

he felt anyone would talk were if they "found Jesus", went insane or if they wanted money, to which Jake jumped in and said, "Money? What do you mean?" and to which Daniel replied, "That's some Judas shit, man." Daniel spoke about Free's case, and talked about hiring a private investigator to reveal a personal friendship between (the judge from Free's case), Lyle Velure, and the Steve Romania family (owners of the SUV lot Free targeted.) He also spoke about putting Velure's address and phone number on a website (although he never did it).

Then Daniel talked about finding a copy of Bill Rodgers' "Setting Fires with Electronic Timers", making "clean" copies, and sending them to some distributors in hopes they would be circulated. While Ferguson drove Daniel to the airport that "visit", they passed a Seneca Sawmill (owners of a company Daniel remembered as linked to the Superior Lumber Company but that was actually connected to the Judie sale), laughed and said "Happy fuckin' New Year, " (i.e. referring to the New Year arson at Superior Lumber.)

Peifer said the comment showed Daniel's attitude. He said that, if Nathan and Joyanna plead out because they "had to", that Daniel's "goose was cooked" by those tapes. In them, he recounts all his major criminal acts and reveals his attitude toward the law. Peifer then quoted Emerson, "'Commit a crime, and the earth is made of glass.' Right now, your Honor, Daniel McGowan's world is made of glass." He said the government is seeking 92 months' sentence.

## **Defense Arguments**

Amanda Lee presented arguments for Daniel McGowan. She began by quoting Gandhi, "You must be the change you wish to see in the world." Daniel McGowan lives by this principle in his daily practices more than anyone she's ever represented, Ms. Lee said, stating that it was "truly a tragedy that he, for a brief time, did not follow that principle, and engaged in the 'militant extremism of arson.'" She said that Daniel's regret is enormous, and that he wishes to apologize to the people he has harmed by those actions, his family, and the court. She said she had attended sentencing for Meyerhoff, Tubbs and Gerlach, and said that Daniel had acted of his own free will; that he was not coerced or pressured, by friends or loved ones to commit acts of arson, and that he and he alone takes full responsibility for his choices. She displayed photos and spoke of his closeness to his family, and of his love for his wife, Jenny. Daniel's family was in attendance, and was introduced to the court.

Lee then addressed issues argued by the government. She said that the government had characterized Daniel's disagreement with Meyerhoff over the placement of the incendiary device near the propane tank as "brief", and today, the government is blaming Daniel for its placement. Daniel strongly voiced his opposition to placing it there, as he knew nothing about propane tanks and believed it to be dangerous. He regrets not standing his ground on the issue, but now the government wishes to place the blame on him. She said Daniel deeply regrets the actions of that day, and wishes he could take it back, but that faulting him for not having the influence to change the decision is going too far.

The government describes Daniel as a two-dimensional criminal in the '90's, with nothing more on his mind than reckless destruction. Lee said, "The government could not be more wrong." They equated Daniel's non-violent civil disobedience actions and minor property destruction with Kevin Tubbs' solo act of arson at Dutch Girl Dairy, but Lee said Daniel's prior minor criminal behavior was very similar to Savoie's. At this point, Judge Aiken interjected, "I know the difference and I've read your memo. The government has the right to argue as they wish," to which Lee responded, "It's hard not to respond to certain types of comparisons." Lee continued her arguments, saying that Daniel had been very much focused on researching genetic engineering, especially the development of Round-up Ready corn. She read from a communiqué the government had used to show that Daniel had intended to target the government, which said that Roundup is the largest selling pesticide in the world, and is "the largest cause of illness in farmworkers" and violates the human rights of agricultural workers. These were his motivations.

She went on to say that, yes, Daniel had broken windows at the WTO in Seattle. She said, "I was there," saying that she worked only a few blocks from where the black bloc had damaged property, and that she and other workers downtown had many conversations about the goings-on during the ministerial, but that no one she spoke to felt intimidated. Indeed, she said, "We were more annoyed with the police checkpoints." Lee said the government had made a big deal about the aborted Cargill action, saying that it had been called off because the activists "didn't want to tangle with Longshoremen", when in fact, they called it off because there were still workers in the office, it was a bad idea, and that they decided not to because of this. Lee said that there were massive peaceful demonstrations, and that police -- of which there was an abundance -- overreacted, cases were dismissed and judgements were made against the city as a result. She said, "We that live there think the

riots were just a bunch of media hype."

Lee talked about Daniel's attendance at three of the "book club" meetings and described the length of his involvement with the cell as similar to Savoie's, at which point Aiken, clearly annoyed, interrupted again, "I already know all this stuff." Lee responded, "Then you know their roles are very similar."

Regarding the taped conversations with scumbag Jake Ferguson, Lee said it was important to note that Ferguson sought Daniel out. She said that the bulk of what we had heard on the tapes from August 15th occurred right after Daniel had visited Jeff "Free" Luers in prison, and that he was very emotional. She said the comments about Judge Velure were deeply embarrassing to Daniel, but that he did not DO anything, like post personal information about Velure online. When Daniel found out that the US Attorneys in this case had passed that information to Velure and scared his wife, Daniel wrote a personal letter of apology. Aiken, annoyed, interrupted again, "I know this. I've seen it." [At this point, all in the courtroom were baffled by Aiken's continuous interruptions and visible annoyance, and were struggling to figure out what she DID want.] Lee went on, "What the government didn't show is what's NOT on the tapes... no planning of future arsons, no talk of guns or explosives. In fact, the vast majority of these recordings show Daniel speaking about his prisoner support work, the time and effort he puts into it. There's no talk of enjoying the arsons. He does talk of not wanting to get arrested. He didn't run, go underground, use a false name, store false identification. He had a job, went to school, and paid his school loans."

Regarding the terrorism enhancement the government had requested for the Jefferson Poplar fire, Lee asked if the government had really supplied clear and convincing evidence that the action targeted the government. She pointed out that Jefferson Poplar was a privately owned company, and that the communiqué had been altered, and according to Gerlach was "entirely different" than the one they had written. Lee said the government bears the burden of proof in establishing clear and convincing evidence of motive, and that they had not.

Daniel did not commit the arsons for fun or adventure, argued Lee, but out of a profound love of nature and a sense of desperation. She said that his trip to Thailand after college affected him deeply, seeing the struggles of indigenous people trying to defend their natural resources. She said that in high school and college, Daniel's heroes had been figures like Malcolm X and Nelson Mandela, powerful leaders who had accepted

violence in their struggles for justice as younger men, but had moved away from violence with age. Daniel, also, has matured and evolved, and was more likely now to speak about role models like Mother Jones and Utah Phillips. She cited Daniel's extraordinary volunteerism and activism after leaving Eugene, his employment at WomensLaw.org, organizing of Really Really Free Markets, prisoner support work, and computer recycling program, as examples. She said that his evolution occurred not as an "epiphany or single moment", but was more gradual.

Lee began to speak about Daniel's work at Women's Law, and to read a letter from a co-worker, when Aiken interrupted again, saying, "I've read it all. I met her." When Lee started to speak then about Daniel's prisoner support work, Aiken interjected, asking if Daniel's support group only supports people who don't "name names". Aiken said, "That's what is on the table here." Lee spoke about Daniel's support of Turkish prisoner Mehmet Tarhan, a gay conscientious objector. She read a letter a supporter of Mehmet Tarhan had submitted to the court, which spoke of the immense help Daniel was, and spoke of his "deep commitment to helping prisoners in need". Aiken said, "The letter still did not answer my question." Lee countered that Mehmet was in jail for refusing to serve in the army, and that Daniel's work was compassionate. She told the judge about the families of three prisoners he met on a plane flying out to one of the court proceedings, to whom he offered information and resources, and Aiken said, "I'm not asking fringe questions. It was a simple question to answer." Lee apologized. She went on to describe Daniel's involvement organizing Really Really Free Markets in New York, and helping to open a Free Store, which, Lee said, paints a very different picture of Anarchists than the news coverage from Seattle.

Lee said that Daniel's media interviews during the RNC did not advocate violence, but rather bluntly stated, "Fight back if provoked." Daniel said that trying to keep protests in a one square block corral was wrong, and that permits for marches had not been forthcoming.

Lee mentioned the many letters that had been sent to the court on Daniel's behalf, and said that you don't get letters from professors, law students, and policemen if you're not out there doing the work. Daniel demonstrated through action what most people only talk about. Lee said, "He IS being the change," and said he had grown from a person doing damage to being a person who did everything he could to reduce suffering and improve the lives of people in his community. She said, "Hard work is not glamorous, and not fun all the time, but Daniel does it every single day."

Jeff Robinson, co-counsel for Daniel said a few words, as well. Robinson said that he and Amanda Lee had had no illusions about the seriousness of the allegations against their client, and had never been more afraid for a client. He knew that if they went to trial and lost, Daniel would spend the rest of his life in prison. Daniel had the choice to name names or get life in prison. "This was never a choice for him," said Robinson. Daniel had no "misplaced loyalty, gang mentality, or desire to stay involved in criminal activity" which guided his choice not to name names. He had promised himself that he would not try to mitigate his own punishment by hurting someone else, and said that "Mr. McGowan is a man of his word." Robinson said that Daniel had no desire to be a martyr for anyone, only to keep a promise to himself. Daniel had said, "I was involved, I will plead guilty, but I will not hurt others to make it easier for myself." Robinson said that doing the humble work Daniel does, helping victims of domestic violence and the homeless, is inconsistent with a "hero" mentality. He said that Daniel has no control over what is written on websites. Yes, he asked for support. His legal bills are staggering, and he knows he is going to spend years in prison. There was nothing wrong with him asking for support. Aiken interjected, "He was given the opportunity for court-appointed counsel, wasn't he?" To which Robinson replied, "Yes, absolutely. But the fact that he has asked for financial or emotional support should not get him..."

Judge Aiken: "There are people in this courtroom who are not here every day. Taxpayers pay for qualified legal representation, so they need to hear that court-appointed counsel is an option. Not one dollar of Mr. McGowan's assessment has been paid. I don't see money set up for restitution. I don't see anything for the victims, for THEIR homelessness, THEIR hardships."

"If his fee hasn't been paid, that's the obligation of our firm, not his," countered Robinson.

Robinson then spoke about how the global non-cooperation agreement came about. He said that Daniel had lead the movement to reach a plea deal. The government agreed not to ask for more than 92 months, and Daniel agreed that his sentence should be whatever Suzanne Savoie received, plus eighteen months. When the parents of one of the fugitives contacted Daniel's attorneys, Daniel gave permission for his attorneys to share anything that would help them.

He then spoke about the impact Daniel's refusal to name names had had

on the government's case. Robinson said the government already had Jonathan Paul, and had attendance lists from the "book club" meetings. He said that any names Daniel would have given would have been "very familiar" to investigators, thus he didn't believe Daniel's decision had inhibited the government in any way. He also said that Daniel's refusal to meet with Chelsea Gerlach was not out of some sense of false loyalty, "There was no loyalty left at that point!" said Robinson. Daniel felt that Chelsea's decision was personal. Daniel felt that he also must make his own decision, and that the choice to name names was impossible to him. Daniel's acceptance of responsibility for his own actions had assisted the government in closing cases that would never have been closed. "He made the promise to tell what he did, and kept it -- just like he kept the promise to himself. He is a man of his word." Robinson argued that Daniel's refusal to name names about the Wisconsin case had not impeded the government, as the statute of limitations had run out, and there would be no prosecution anyway. Daniel kept his promise to tell of his actions, and saved the court hundreds to thousands of hours of administration time, security concerns for a month-long trial, psychological trauma to victims and witnesses to testify at trial, cost and expense. Daniel took responsibility for himself while putting no pressure on others so that they could decide how to deal with the government on their own.

Robinson said the court wants to know who Daniel McGowan is and where he's headed. He plans on pursuing his Master's degree from prison. Judge Aiken then asked, "How much do the classes cost?" in a rhetorical way. Robinson went on. The court might think that his refusal to name names is an indication that he plans to return to his life of crime, but Daniel has kept his word from the detention hearing and followed the court's wishes to the letter. He promises that those days are over.

Jenny Synan, Daniel's wife then read her statement to the court. She finished it by saying,

"Your honor, I kindly yet desperately ask for your fairness in Daniel's case. I am about to lose my partner and lose the life that I know, for more years than I can bear to think about. Please consider my words and understand that Daniel is not just a good person, he is an exceptional human being who has contributed positively to so many people's lives. He made some terrible choices in his past and he and I both know there is a price to pay. He has moved on to making the kind of choices that reflect his true character. I beg you to please consider all of these things."

His Daniel's lawyers then spoke to the judge about issues in the

presentencing report that needed to be resolved. Peifer was allowed to counter. Peifer said that Mr. Robinson had said the statute of limitations had run out, but that he had been referring to info from the Midwest cell, involved in an arson November 5th of 2001, which the statute would run out on in 2011. Peifer said that Ian Wallace [who may or may not be under indictment, but is clearly offering assistance to the government] had told the government that McGowan introduced him to Stan Meyerhoff. Peifer said that it is an ongoing investigation. Peifer said the introduction occurred in July of 2001, and mentioned that EPD Detective Harvey had been assisting the investigation. Robinson said that Daniel could be called before a grand jury, according to his plea agreement, and that Daniel may have to do that time on top of his sentence, but that shouldn't impact the court's decision.

Then Daniel read his statement to the court:

"Your Honor,

"Thank you for letting me address the court today.

"A lot of horrible things have been said about me today and I would like to offer some additional information. I do not blame anyone else for my actions or words. It is not anyone else's fault that I engaged in burning Superior Lumber and Jefferson Poplar Farms. Not my codefendants, either living or dead, nor my parents. No one forced me into it and I was fully cognizant of what I was doing at the time.

"However, this does not mean I am ok with what I did. I am not. I feel deep regret for the actions because they have frightened people. Although I now know it is hard for people to believe, my intention at the time was to be provocative and make a statement, not to put individual people in fear. It pains me now to think that I did not see at the time that these arsons would obviously cause fear. I have read in the newspaper and heard from my lawyers about the victims who testified and talked about how scared they were. This was very upsetting and it made me quite ashamed of myself. I thought of my sister Lisa and how she would feel if someone burned down her place of employment-how pictures of my niece and family would be destroyed, and it stung. To the workers at Jefferson Poplar and Superior Lumber, I am truly sorry for the damage I did and the fear I caused you.

"I was a lookout for the arson at Superior Lumber and while I am as responsible as anyone else, I was insulated in some ways from the

incident. While I saw the actual building, I did not set the devices nor was I involved in their creation. It made it seem less real to me. Even when I heard the alarm over the radio, it still did not seem real. My participation at Jefferson Poplar, a few months later was completely different - it freaked me out badly. I remember standing there in the middle of the vehicle shop feeling dizzy from the fumes emanating from the gasoline and wondering, "how did I get to be standing here right now"? My decision to leave the Earth Liberation Front was crystallizing in that moment. I attended a meeting weeks later but I was so disenchanted by my involvement in that action, by the real world ramifications of the arson at Romania and how it affected my friend and discussions about violence.

"It is hard to hear tapes of conversations I had with Jacob Ferguson, where I speak with false bravado about our past together. There are no tapes of some of my most private thoughts, about how I got sick to my stomach before these acts, about the fear and discomfort I hid from my friends and family. None of it is an excuse, but I want you to know, Judge Aiken, that when I became involved in the arsons, it was after being involved in environmental activism for a few years, and at a time when I felt utterly desperate as my attempts to change anything failed almost always. Moving to Oregon changed my life as it is so beautiful and the forests are amazing. There is nothing like it on the planet and it caused me great pain to see the old growth forests being logged. I wish I had the answers for how to fix this problem but I didn't and I took the easy way out. I allowed myself to choose extreme tactics because I felt the environmental situation in the world was getting more and more dire by the day. Things I spoke about and thought about how to fix 7 years ago are being discussed on television and online now and it gives me some hope. At the time though, I was feeling quite hopeless. This seems now to be a hollow excuse for my actions. But it is the truth.

"When I got back from a trip to Canada, I made a resolution to myself. I wanted to settle down in a community and do above-ground and community based activism. I had been already been engaged in this sort of activism while I was destroying property. I now wanted to stop the illegal actions and concentrate on positive, solution-based activism. I am lucky to have met my wife Jenny when I was visiting home. I decided to move back home to NYC, I quickly found employment at a rainforest and indigenous rights foundation, organized computer recycling events and open air free markets. Since 2005, I have worked as a website assistant for a domestic violence organization that helps women escape from horrible situations.

"My life since my arrest has been tumultuous and I have been trying to make the best of a bad situation. Although I had to abandon my acupuncture program, I recently was accepted to Antioch University McGregor's distance learning masters program and I will be finishing my first quarter on June 15th. I hope to apply my education in ways that will further my goals of environmental preservation and protection of human rights. I also intend to make the best of my incarceration and utilize my education to help my fellow prisoners with legal, educational and translation issues.

"Your honor, I hope you can see that I have turned away from a path of destruction a long time ago. I accept the fact I will be imprisoned and will do in prison what I do out here-try to make the lives of those around me better. After all this is done, I hope to be released and continue positive activism in my community once again and be a good role model and uncle to my two nieces and a good husband to my wife Jenny.

"I want to thank my family, friends and community for standing with me through this very difficult time."

Judge Aiken said that this was a very interesting sentencing in her court. She said that her impression of Daniel is of two faces: the one face -- that if he doesn't agree with something, he'll burn it down -- and the "Janus face" -- "Poor me. I'm a victim. I'm in pain." She said, "I Googled you at the noon hour. You're a cause celebre. I can't help but notice that nowhere on your website does it say what you plead guilty to. [\*Daniel's plea agreement was posted on the site within a day of the hearing.] I'm sure your lawyers told you not to. It minimizes what you did; it says you are being victimized by the government because you will receive a greater sentence for not cooperating. You're not some political prisoner for speaking out. You committed arson. You destroyed peoples' property by fire. Based on their views. You do nothing on your website to end support of property destruction. You are not a poster child, you are an arsonist. You wanted to have your cake and eat it, too. You want to be a martyr or a hero... It is a choice to have private counsel... you trumpeted your cause... no remorse... no regret... I generally commend furthering education, but here it seems to be further evidence of your self-absorption... sister put finances on the line... accepting money for your defense... while you should be paying back your debt, you're getting your Master's... Why wasn't your special assessment paid? I have gotten no check. Other defendants are indigent because they are feeding their families, but they do it... I've been doing this job for 19 years... people try their very best to make amends... why no money raised for restitution?

You've received enormous gifts from your community, but other than today's apology, what have you given back to Oregon? What about the employees of Jefferson Poplar? Destroyed... immature... self-righteous... misguided young adults... Did you talk to these victims? Get a grant? Get funded to make a difference? Or did you just Google it? You know better. You are not a typical defendant; your father is a police officer, a public servant. You targeted public servants... collateral damage... You were just afraid of getting caught. I understand you've extended yourself, taken positive actions. I commend it and I will consider it. I find it ironic that you support victimized women, yet in your communiqués you verbally victimize those with whom you disagree. I wonder if you ever called scholars in the Northwest about how to be effective and take positive action. Like the professors who wrote letters to the court on your behalf, most professors are incredibly generous with their ideas. I've learned a lot in my years on the bench... seen it all... it's called the human experience... How do you choose to respond? I question whether your newfound remorse is genuine. But you are not Block or Zacher. [!] Decide to lead an authentic and genuine life... take off the masks until the real Daniel McGowan is revealed... be the change you truly want to be. Don't use Gandhi just when it's convenient. I hope you'll go back to your website and tell who you were, what you did. You may not be as popular, but... change your website. Denounce, renounce and condemn. If you really mean it, it shouldn't be hard. To the young people, send the message that violence doesn't work. If you want to make a difference, have the courage to say how the life you lived was the life of a coward... It is a tragedy to watch these extremely talented and bright young people come in and do damage to industries. It's not okay to put people in fear doing what they need to do to survive. Take off the hoods, sweatshirts, and masks and have a real dialogue."

Judge Aiken sentenced Daniel McGowan to 84 months (7 years) in a federal detention facility, followed by three years of supervised probation. She applied the terrorism enhancement to the Jefferson Poplar Farm arson. She departed downward of the lowest end of the government's recommended sentence for the positive works Daniel is doing in the community.