

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2280

**2001 SENATE AGRICULTURE**

**SB 2280**

**2001 SENATE STANDING COMMITTEE MINUTES**

**BILL/RESOLUTION NO. SB 2280**

**Senate Agriculture Committee**

**Conference Committee**

**Hearing Date February 1, 2001**

| Tape Number | Side A | Side B | Meter #     |
|-------------|--------|--------|-------------|
| Feb. 1      | 2      | X      | 2.8 - 33.3  |
| Feb. 2      | 1      | X      | 15.0 - 31.5 |

**Committee Clerk Signature**

Minutes:

**SENATOR WANZEK;** Sponsor, introduced the bill.

Provides for an award for the damage and destruction of crop (willful, violence). This allows the amount of damage to be twice the value of the crop.

**CALVIN ROLFSON;** American Crop Protection Association, testified in support of this bill.

See attached testimony.

**SENATOR WANZEK;** Are we sending a strong enough message?

**CALVIN ROLFSON;** I would be will to draft the amendments to strengthen the bill.

**SENATOR WANZEK;** This can pertain to not just research crops but crops grows for commercial purposes.

**CALVIN ROLFSON;** That is exactly correct, the term on line 7 says for personal or commercial, or testing or research purpose.

**SENATOR NICHOLS;** Are these people being caught?

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**Senate Agriculture Committee  
Bill/Resolution Number SB 2280  
Hearing Date February 1, 2001**

**CALVIN ROLFSON;** They are being caught but they are very difficult to catch. The FBI is involved nationally.

**DAVE KOLAND;** ND Rural Water, gave information concerning this bill.

**WAYNE CARLSON;** Livestock Service Coordinator for Dept. Of Agriculture, testified in support of this bill.

This bill is going to change for crops and also for livestock.

**MICHAEL DIAMOND;** Monsanto, testified in support of this bill.

The stronger you make the law the better for everyone.

The hearing was closed.

**SENATOR ERBELE** moved for a DO PASS on this bill.

**SENATOR NICHOLS** seconded the motion.

Roll call vote: 6 Yeas, 0 No, 0 Absent and Not voting.

**SENATOR WANZEK** will carry the bill.

## PROPOSED AMENDMENTS TO SENATE BILL NO. 2280

Page 1, line 3, after "of" insert immediately thereafter "livestock," and remove "Award of damages" and Insert immediately thereafter "Damages"

Page 1, line 5, after "any" Insert immediately thereafter "livestock,"

Page 1, line 12, after the first "the" Insert immediately thereafter "livestock"

Page 1, line 13, after "the" Insert immediately thereafter "livestock,"

Page 1, line 14, after the period, remove "The court shall limit damages under this section to" and Insert "A person found by the court to have been damaged under this Act may recover reasonable attorney's fees, exemplary damages and may also recover"

Page 1, line 15, after the first "the" Insert immediately thereafter "livestock,"

Page 1, line 17, after the period, Insert "Damages to livestock, crop or commodities under this Act that are reasonably necessary under a written contract or recorded easement duly entered into by the livestock, crop or commodity producer are not recoverable."

Renumber accordingly

Date: 2-2-01  
Roll Call Vote #: 1

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 22-80**

Senate Agriculture Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number 10635, 0101 / 0200

Action Taken amendments

Motion Made By Sen. Erbree Seconded By Sen. Klein

Total (Yes) 6 No 0

**Absent** \_\_\_\_\_ 0

## Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Date: 2-2-01  
Roll Call Vote #: 2

**2001 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2280**

Senate Agriculture Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

## **Legislative Council Amendment Number**

Action Taken No Pass

Motion Made By Sen. Erbelle Seconded By Sen. Nichols

Total (Yes) 6 No 0

Absent \_\_\_\_\_ 0

**Floor Assignment** Senator Wanyek

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2280: Agriculture Committee (Sen. Wanzek, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).** SB 2280 was placed on the Sixth order on the calendar.

Page 1, line 1, after "crops" insert ", livestock, or commodities"

Page 1, line 3, after "crops" insert ", livestock," and replace "Award of damages" with "Damages"

Page 1, line 5, replace "in the field" with ", livestock, or commodity", replace "raised," with "produced", and after the second "or" insert "has been produced"

Page 1, line 6, remove "commodity after harvest which was being raised,"

Page 1, line 12, after "crop" insert ", livestock,"

Page 1, line 13, after "crop" insert ", livestock,"

Page 1, line 14, replace "The" with "A person found by the", remove "shall limit damages under this section" and after "to" insert "have been damaged under this section may recover reasonable attorneys' fees, exemplary damages, and"

Page 1, line 15, after "crop" insert ", livestock," and remove the second "the"

Page 1, line 17, after the period Insert "Damages to crops, livestock, or commodities under this section which are reasonably necessary under a written contract or recorded easement duly entered into by the crop, livestock, or commodity producer are not recoverable."

Renumber accordingly

**2001 HOUSE AGRICULTURE**

**SB 2280**

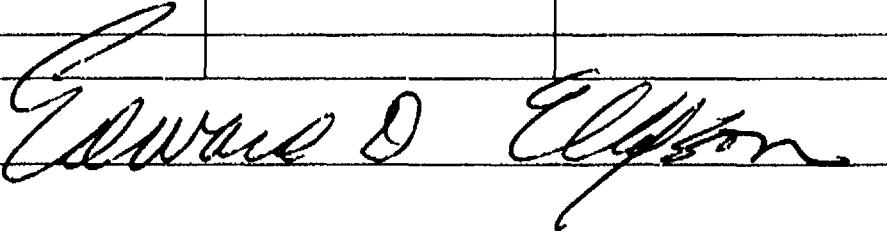
2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2280

House Agriculture Committee

Conference Committee

Hearing Date 3--8--01

| Tape Number               | Side A | Side B  | Meter #    |
|---------------------------|--------|---|------------|
| ONE                       | A      |   | 00 TO 1333 |
|                           |        |   |            |
|                           |        |   |            |
| Committee Clerk Signature |        |  |            |

Minutes:

CHAIRMAN NICHOLAS: COMMITTEE MEMBERS WE WILL OPEN ON SB 2280.

SEN. WANZEK: I am from Dist. 29. and I am appearing before you on SB 2280.

This bill is attempting to provide for some recovery of damage caused by people who would damage the production or development of crops or livestock. or would destroy any crops or livestock or commodity that is in used or being deducted under research purposes. It would allow for recovery of attorneys fees and also exemplary damages placed at market value of the crop for livestock and commodities. This dose not preclude or take away any remedy or right to pursue criminal action against anybody who would destroy crops or livestock. The reason I think this bill is before you there seems to be a growing and disturbing trend in the country. Some people have a disagreement with technology and certain changes in Agr. Who have a agenda. I am not faulting them for having a agenda or strong feeling about our environment and

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**House Agriculture Committee  
Bill/Resolution Number SB 2280  
Hearing Date 3--8--01**

protecting and preserving our environment but needs to be said in ND. A number of other states have already considered this or adopted this into law. What needs to be said that ND. will not tolerate any kind of terrorist act. Nor violence against our science based activities. That is trying to push Agr into the future. This is a very important peace of legislation.

**Representative Koppang:** Do other states have legislation like this? Are you aware of this.

**SEN WANZEK:** There are a number of other states that somewhat model after, I am not sure what state it was, but Kansas state senator was chairman of the senate agriculture and I met him a time or two. There are quite a few states that are adopting it.

**CAL ROLFSON:** I represent the American Crop Protection Association [ACPA]. I AM HERE IN SUPPORT OF SENATE BILL 2280. Please see printed testimony. Attached.

The program of destruction is well financed world wide. We believe 30 states are looking at this type of legislation. The bill is simple. It is not complex. ND HAS ONE OF THE STRONGEST BILLS. I OFFER CREDIT TO THIS COMMITTEE FOR THIS BILL.

**CHAIRMAN NICHOLAS:** Any questions committee members?

ANYONE ELSE OFFERING TESTIMONY IN FAVOR OF THIS BILL. ANYONE WISHING TO APPEAR IN OPPOSITION TO 2280/ THE CHAIR WILL ENTERTAIN A MOTION ON 2280. REPRESENTATIVE BERG MOVES FOR A DO PASS AND IT WAS SECONDED BY REPRESENTATIVE MUELLER. ANY DISCUSSION COMMITTEE MEMBERS.

**REPRESENTATIVE LLOYD:** The only point that I might make is that there are times when an aerial applicator will be spraying material which will contaminate a research plot. He would be

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**House Agriculture Committee  
Bill/Resolution Number SB 2280  
Hearing Date 3-8-01**

guilty under this law as I read it even if the owner of the field that he was spraying had been informed of the experimental plot and knew which material would not be applied to that field. because of potential contamination. So it goes beyond the terrorist concept. That would be my concern.

**CAL ROLFSON:** The bill states a person is liable for damages if that person willfully and knowingly damages the crop. That is a very high civil burden. Accidental drift or something like that is certainly intended and the record should not be effected by this bill. Eco-terrorism is effected by this bill. The concern was should we make it weaker or stronger and in fact we made it a little weaker by saying willfully and knowingly.

**THE ABOVE SHOULD BE NOTED FOR THE RECORD AS TO THE LLOYD AND ROLFSON DISCUSSION AS TO AERIAL CONTAMINATION.**

**REPRESENTATIVE MUELLER:** Do you think we should stiffen the penalties? Does the committee want to consider that at all.

**CAL ROLFSON:** There was some strengthening of it on the senate side and I abbreviated my testimony. I apologize Rep. Mueller. We did not have punitive damages in there before and those were added and I believe we added attorneys fees. This is the motivation for a civil law suit in the first place.

**CHAIRMAN NICHOLAS:** ANY OTHER QUESTIONS COMMITTEE MEMBERS? O.K.  
**THE CLERK WILL TAKE THE ROLL ON 2280.**

THERE WERE "13 YES" "0 NO" "2 ABSENT." **REPRESENTATIVE PIETSCH WILL CARRY THIS BILL.** I HOPE THIS BILL HAS FAR REACHING CONSEQUENCES. WE WILL CLOSE ON SB 2280.

3-8-2001

Date: \_\_\_\_\_

**2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO.**

SB 2280

**House AGRICULTURE Committee**

- Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

## **Legislative Council Amendment Number**

Action Taken Do Pass

Motion Made By Foley Seconded By Dressler

Total (Yes) 13 No 0

Absent

**Floor Assignment** \_\_\_\_\_ Rep PET50A

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
**March 8, 2001 11:25 a.m.**

**Module No: HR-40-5110**  
**Carrier: Pletsch**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2280: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS  
(13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2280 was placed on the  
Fourteenth order on the calendar.**

**2001 TESTIMONY**

**SB 2280**

**TESTIMONY  
BY  
AMERICAN CROP PROTECTION ASSOCIATION  
BY CALVIN N. ROLFSON  
IN SUPPORT OF  
SENATE BILL 2280**

**My name is Cal Rolfson. I am an attorney practicing law here in Bismarck. I represent the American Crop Protection Association (ACPA). I appear in support of Senate Bill 2280.**

**ACPA is the trade association for our state and nation's businesses involved in protecting and enhancing North Dakota agricultural crops through the application of fertilizers, pesticides, herbicides and the like. They are a major player in North Dakota's agricultural economy. During the interim, ACPA worked closely with the Legislature's Crop Harmonization Committee in support of responsible and cooperative crop harmonization efforts.**

**There is a growing epidemic of "eco-terrorism" in our country. Specifically, this disturbing trend is directly impacting agriculture across the nation. It may not have impacted North Dakota yet, but it is only a matter of time. That is why this Bill is needed to address what agricultural producers and researchers are going through across the nation in order to help limit or prevent these terrorist activities from happening in North Dakota.**

**Environmental terrorists, who are apparently not satisfied with the legal means by which they can protest and challenge scientific innovations in agriculture,**

**have begun a systematic and organized nationwide attack on farmers and agricultural research across the country. These groups, like the Earth Liberation Front (ELF) which were featured on 60-MINUTES a few weeks ago, have destroyed research crops, trees and facilities at both public universities and private labs in more than 10 states so far. They show no signs of stopping.**

**States began to get involved in this last year when California Assemblywoman Helen Thompson heard about a UC-Davis graduate student whose 2-year doctoral research project was completely destroyed by environmental vandals. The Assemblywoman introduced a legislative Bill in California to protect agricultural research, which was signed into law by Governor Davis this past fall.**

**This past summer, your colleagues at the Council of State Governments (CSG) embraced her approach when the CSG Agricultural Policy Task Force passed a resolution condemning eco-terrorism and specifically recommending that the Thompson Bill be included in this year's CSG Book on Suggested State Legislation for 2001, which it has been. Kansas State Senator Steve Morris, the Co-chairman of the Ag Policy Task Force, has also written an article on the damaging effect that eco-terrorism has had on agriculture and is published in the current issue of CSG State News Magazine. Copies of this article are attached to my testimony for your information.**

**With that in mind, I am here today to urge your support for Senate Bill 2280. This Bill is crucial to protect public and private agricultural research crops in North Dakota, as well as the innovative new crops and field trials grown by our producers.**

**Similar Bills have already been introduced in 10 other states so far this session. Agricultural groups are hopeful that anti-crop destruction legislative Bills will be introduced in as many as 30 states this year and next.**

**These "eco-terrorists" are not merely youthful pranksters or misunderstood activists. This is an organized nation-wide assault on agricultural research by well-funded eco-terrorists groups. There is reason to believe that facilities in all states will be targeted - including North Dakota. This Bill will send a strong message to these groups that their activities will have serious consequences. The state of North Dakota should not tolerate this illegal activity against our state, its agricultural research, and our agricultural producers.**

**Senate Bill 2280 is a simple and non-complex effort to give some reasonable teeth to an effort to help stop eco-terrorism in this state. If anything, the Bill is too mild and I certainly do not object to any effort to increase the penalty. The reason a criminal penalty was not included is because there are already state laws in place in North Dakota that respond to the destruction that eco-terrorists may be planning for North Dakota. Those laws include:**

- Arson (Class B felony) NDCC 12.1-21-01**
- Endangering by Fire or Explosion (Class C felony) NDCC 12.1-21-02**
- Criminal Mischief (Class B felony to Class B misd.) NDCC 12.1-21-05**

**One thing that is not included in the Bill is a provision calling for attorney's fees for the successful party in the civil action. I recommend it be included, and I will prepare an amendment accordingly if given that direction by the committee.**

**Because bringing a civil action in cases where the damages may be relatively small is often not economically viable in light of the cost of legal services, I recommend that consideration be given to amending the Bill to include a provision permitting attorney's fees for the successful party.**

**I am attaching other revealing news stories on this issue, as well as a list of states in which eco-terrorism has occurred and the damages they have done.**

**I urge you to adopt a "DO PASS" recommendation on Senate Bill 2280.**



# Fighting the wrong fight

To most Americans, the word "terrorist" conjures up some very specific images. We think of mail and hijackings or hostage takings. We think of cowardly extremists pursuing a radical agenda against our citizens and allies. But our view of terrorism is changing; indeed, the terrorists themselves are changing.

Over the past two to three years, we have seen a serious rise in domestic terrorism by groups of our own citizens who vandalize or destroy property to further their causes. In testimony before Congress last year, FBI Director Louis Freeh placed these domestic terrorists in the category of "special interest extremists." Freeh said that, "The most recognizable single-issue terrorists at the present time are those involved in the violent animal rights, anti-abortion, and environmental-protection movements."

It is with the environmental extremists that I am most concerned. According to an MSNBC investigation of these eco-terrorists, a dramatic increase in sabotage and attacks is expected this year. Groups like the Animal Liberation Front and the Earth Liberation Front (ELF), which is most infamous for its 1998 attack of a Vail, Colo., ski resort that caused \$12 million in damage, have been increasing activity across the country. The FBI says that cracking down on these terrorists is

very difficult because there is no real pattern to their destructive behavior. Just this December, activists set fire to several homes being constructed in Colorado to protest development. We are dealing with a new breed of activists who don't care about the work and lives they ruin.

The attacks of these extremist groups are especially alarming to the agricultural community. Because of the significant investment in agricultural research made by universities and technology companies, they have become prime targets for the senseless and irresponsible activities of these eco-terrorists.

On Dec. 31, 1999, ELF set fire to the research facilities at Michigan State University's school of agriculture. All the records and equipment used by one of the school's biotechnology projects were destroyed, with damage totaling nearly \$400,000. This past February, a greenhouse at the University of Minnesota was vandalized, causing more than \$1,000 in damage and the loss of important research on disease resistance in oats. In an article in The (Minneapolis) Star-Tribune, a spokesman for the university expressed disappointment in the attack, saying, "We thought some of the research was very promising. I am very concerned about the psychological impact on our ability to do research like this."

*A senator from Kansas takes a critical look at groups that vandalize and destroy property to make a point.*

BY STEVE MORRIS

Kansas Sen. Steve Morris is co-chairman of the CSC Agricultural Policy Task Force.

U.S. Department of Agriculture facilities and a Novartis agricultural laboratory in Hawaii have both been hit by a group called Menahuna (or "elves" in Hawaiian). Several seed facilities in Minnesota have been damaged by a terrorist group called the Bolt Weevils, destroying important research on corn varieties. Corn research was also destroyed at the University of Maine in August of 1999.

Important research on trees is also being targeted. Last Christmas, more than \$1 million in damage was done to a Boise Cascade facility in Oregon. This past summer, more than 1,500 trees were destroyed at the Cold Spring Harbor Laboratory in Maine. A few days later, more than 500 trees were destroyed at a U.S. Forest Service research station in Wisconsin. The value of the research on growing stronger, heartier trees will never be known.

At the University of Washington last winter, a group called the Washington Tree Improvement Association cut down more than 200 experimental poplars. Last April, the Genetic Jokers trashed vehicles at the University of Minnesota because they were used for tree research by the U.S. Forest Service.

In many cases, these eco-terrorists don't know what they are destroying. According to a *Los Angeles Times* article in September, a raid at the University of California-San Diego ripped up valuable sorghum and corn experiments that had nothing to do with biotechnology. Dr. Bisrat Ghebru was working on drought-resistant plants for use in East Africa. "I don't understand it at all," said Ghebru. "These plants are farmers' varieties. They have nothing to do with genetic engineering. I won't get anything out of my work here." And neither will the hungry people of Africa.

A researcher at Seminis Vegetable Seeds Inc. commented on another botched attack, this time at UC-Davis. "The acts appear to have been indiscriminate. Eighty-five percent of the crops damaged were crops that were traditionally bred." A graduate stu-

dent's three-year doctoral project was destroyed. Valuable research on many vegetable varieties also was lost, and several of Seminis' greenhouses were damaged.

It seems to me that these groups have made an awful lot of costly mistakes. In Washington, the Washington Tree Improvement Association pulled up more than 150 raspberry bushes it mistook for hybrid poplar trees. The Anarchist Golfing Association destroyed experimental grass plots at Pure-Seed Testing Inc. in Oregon, only to learn that the grass was not genetically engineered. When a Pioneer Hi-Bred facility in California was damaged by the Reclaim the Seeds group, experiments on corn and sunflower seeds were destroyed — neither of which were biotech crops. Corn and grape research, which also turned out to be conventional, has been damaged in California.

Many universities are very concerned about the safety of researchers and students, who could be hurt during an attack by these eco-terrorist groups. Authorities fear that environmental extremists might target humans, not just crops and research. Some animal-rights groups have sent letters booby-trapped with razor blades to researchers who experiment with primates. It may be only a matter of time before this kind of violence escalates into a full-blown crisis.

Researchers in California have taken the brunt of these attacks, having fallen victim to many of the more than 40 crop-destruction incidents reported so far. In Tualatin, Calif., more than 3,000 frost-resistant potato plants were uprooted. At UC-Davis, experiments on watermelons, walnut trees and sugar beets have been destroyed. Eco-terrorists there even overturned a weather-station tower. USDA labs in Albany, Calif., also had research on biotech wheat disrupted by the group Reclaim the Seeds. In Brentwood, Calif., the Strawberry Liberation Front destroyed research plots of frost-resistant strawberries.

### States take action

After hearing about these acts of domestic terrorism, California Assemblywoman Helen Thompson decided to do something about it. She introduced a bill that would double the fines imposed on people caught destroying research crops at California's universities. The bill easily passed the state Assembly and Senate, and this September, Gov. Gray Davis signed it into law.

Many of us involved in the agricultural community strongly support Assemblywoman Thompson's approach. In order to send a strong message to eco-terrorists, her bill was included in The Council of State Governments' *Suggested State Legislation* book for 2001 as a model for other states to follow. The CSG Agricultural Policy Task Force (which I co-chair with Sen. Gigi Dennis of Colorado) endorsed the bill this summer, and has passed a resolution of support for all the benefits that crop biotechnology offers. America's agricultural producers will be asked to feed the vast majority of an ever-growing world population that could reach 10 billion by 2020. They will need all the tools and technologies our institutions have to offer to meet this enormous challenge. We should ensure that those technologies are available.

I have discussed this issue with industry leaders, and I'm told that many states will be considering legislation to address this very serious problem. Bills being considered would protect not only university research, but also private research facilities and the farmers who are growing these crops commercially. Growers who are using this safe and legal technology to improve the quality of our food supply should be protected. Many of my colleagues want to send a very clear message to eco-terrorists that the vandalism and destruction of scientific research is not acceptable and will not be tolerated. The benefits and potential of crop biotechnology are much too valuable to a hungry world to be jeopardized by the senseless actions of a few misguided people.

January 8, 2001

## Getting the Message From 'Eco-Terrorists'

By DAN BARRY and AL BAKER

**M**OUNT SINAI, N.Y., Jan. 5 — The arson committed at the upscale subdivision being built on old farmland here, just off Route 25A in eastern Long Island, will never serve as a sophisticated model for the crime. The fires that torched three nearly completed houses were all ignited by birthday candles that had been attached to the handles of plastic jugs filled with gasoline.

And the messages spray-painted on another house in the subdivision that snowy, Dec. 30 morning did not seem particularly auspicious either: "ELF" "Stop Urban Sprawl." "If You Build It We Will Burn It." And, finally, "Burn the Rich."

But if the ELF acronym is mostly unfamiliar on the East Coast, it has long been a reference point in the Pacific Northwest for illegal and extreme environmental activism that law enforcement officials call eco-terrorism. It stands for Earth Liberation Front, a movement structured so loosely that trying to get a handle on it is like trying to grab a fistful of water.

For several years the people who claim allegiance to the group ELF and its partner in activism, the Animal Liberation Front, have taken responsibility for an underground campaign of destruction and fire against those they see as the earth's enemies: lumber and construction industries, mink and fox farmers, bioengineering companies and laboratories that do tests on animals. For ELF and ALF, they all represent base capitalism.

With a lanky vegan in Portland, Ore., acting as its publicist — although he says he merely shares the information forwarded to him through means he declines to reveal — the group boasts of what it considers to be nonviolent destruction, and provides a running cost estimate of the damage wrought, now at nearly \$37 million. That total includes the \$80,000 in damage done in Mount Sinai, and some big-ticket destruction as well, including the \$12 million arson at a new ski resort in Vail, Colo., in 1998, and the \$1 million arson at a lumber company's office in Monmouth, Ore., in 1999.

Although ELF has taken credit for acts of destruction elsewhere in the country, from the burning of a luxury home on the lip of a national forest in Indiana to the sabotage of a highway construction site in Louisiana, it has largely been associated with the West. But the Mount Sinai fires, along with several smaller fires last month and the uprooting of a cornfield at the Cold Spring Harbor Laboratory last summer, have brought its message and notoriety to the quickly vanishing farmlands of Long Island and to the media market of New York.



The day after the Mount Sinai fires, ELF issued a news release that included a local angle. It said the arson, for which it took full responsibility, was partly done to show support for Andrew Stepanian, an animal-rights activist from the affluent Long Island community of Lloyd Neck. Mr. Stepanian was recently convicted of throwing a brick through the display windows of a fur store in Huntington.

This morning, just before he was sentenced to 90 days in jail in Suffolk County Court in Riverhead, Mr. Stepanian and about two dozen supporters stood outside the courtroom and expressed admiration for the ideology of ELF. They repeated the group's slogans and railed against "urban sprawl," but none admitted to being an "elf," as ELF members like to refer to themselves.

"I think what they did is a wonderful thing," said Mr. Stepanian, 22. But, he added, "we have no idea who they are."

Neither, it seems, do the Federal Bureau of Investigation, the United States Forest Service or any of the other federal, state and local law enforcement agencies that have tried for several years to stop the movement and arrest the masterminds — that is, if there are masterminds.

"Absolutely, there's frustration," said Kevin Favreau, the F.B.I.'s domestic-terrorism supervisor in Portland, which comes as close as anyplace to being the base of the amorphous group. "But people always said the F.B.I. wouldn't infiltrate the Mafia, and we did. They said we wouldn't infiltrate the K.G.B., and we did. Is it harder than your average criminal group? Yes, it is. It's not a group you can put your fingers on."

Then again, he added, "Maybe law enforcement will start getting lucky."

But Craig Rosebraugh, the publicist in Portland, said he doubted that would happen. "There's no central leadership where they can go and knock off the top guy and it will be defunct," he said. "It operates on an ideology."

He described the movement as a series of cells across the country with no chain of command and no membership roll, a structure that supporters liken to that of the French Resistance and the African National Congress. There is only a shared philosophy, he said, in taking aim at "anyone who is destroying the environment for the sake of profit."

Because he is the spokesman for ELF, Mr. Rosebraugh's pale, bespectacled face is the only one attached to the movement, even though he says he is a supporter but not a member. As a result, federal officials have raided his home, seized his computer and placed him before a grand jury investigating ELF and ALF activities. Simply put, they want to know the identities of those who keep him abreast of what ELF is doing, and the means by which they do so.

Mr. Rosebraugh, 28, has refused to cooperate with the authorities, while at the same time cultivating an air of mystery about himself and the movement. When asked how he receives the information he disseminates, he said, "I never disclose the type of communication." And when asked whether a reporter could talk to

active members, he said: "The people don't want to be known to the public. They want to stay free to continue doing the action."

The movement known as the Earth Liberation Front began at a gathering of members belonging to Earth First, an environmental group, in England in the early 1990's. Some people "thought that the movement didn't go far enough, that it didn't take radical or strong enough actions," said Jim Flynn, who works for the Earth First Journal. So they began ELF, which for a while did little more than encourage people to celebrate Halloween by vandalizing bulldozers and mining equipment.

By 1997, ELF had established a presence in the United States, and formed an alliance with the Animal Liberation Front. In November of that year, with Mr. Rosebraugh as its conduit, the alliance announced that it had freed 600 wild horses and burros from a corral in Burns, Ore., and then had torched an adjacent building.

But the movement's arson attack in Vail, in October 1998, earned it the full attention of the country — and of the F.B.I. A series of early-morning fires destroyed several buildings of a ski-lift operation, causing more than \$12 million in damage in what remains the country's most costly act of eco-terrorism. Mr. Rosebraugh said at the time that the development was encroaching on a habitat for lynx, adding of the arson, "As long as it doesn't harm human lives, we approve."

They claimed responsibility, and law enforcement agencies generally agreed, for a series of other actions: In Hermansville, Mich., holes were cut in the fence of a mink ranch, freeing about 5,000 mink. In Monmouth, Ore., offices of the Boise Cascade Corporation lumber company were destroyed. In Lansing, Mich., the genetic engineering research offices at Michigan State University were trashed and burned. In Niwot, Colo., a fire was set to a \$2.4 million home under construction.

For all the emphasis that Mr. Rosebraugh gives to the loose, cell-like structure of ELF, there is a band of investigators who suspect that the movement has a small cohesive unit.

"From the activity that we've observed here, it appears that the core group of ELF is very small," said Bill Wasley, the director of law enforcement for the United States Forest Service, which is investigating the extensive vandalism done to its biotechnology research station in Rhinelander, Wis., last year. "They will attract local folks for specific activities and then go away. But it's very difficult to identify the total identity of the group."

Ron Arnold, the executive vice president of the Center for the Defense of Free Enterprise, a nonprofit agency in Bellevue, Wash., said that after researching ELF, he believes it operates as a "nomadic action group." For example, he said, a car with a couple of ELF members might leave Spokane, Wash., and drive across the country, stopping to drop off and pick up sympathizers along the way.

"You'll see these little crimes, bing-bang-bang, like ripples in a pond," he said.  
"This is a pattern we've seen time and again."

Teresa Platt, the director of the Fur Commission USA, which represents the interests of mink and fox farmers, generally agreed. "I don't think it's a large group; I think it's very mobile," she said. "The pattern is that it will quiet down in New York, and you will forget, and you will lose your political momentum. If they kept it up, your city wouldn't stand for it. But they move on."

Mr. Favreau, of the F.B.I. office in Portland, said the government's concern went beyond the damage done to buildings; it has to do with the dynamics of extremist organizations and the types of people they may attract. For example, he said, in 1999 some animal rights extremists, though not linked to the ALF, mailed razor-rigged letters, designed to cut fingers, to fur industry officials and scientists conducting experiments with animals.

"You start out with a large group that believes the same thing, and then it gets smaller and smaller and smaller," he said. "Ultimately, the type of thing we're trying to avoid is the lone guy who takes it to the furthest extreme."

But Mr. Rosebraugh maintained that ELF remains committed to nonviolence. "In the history of ELF, both in the United States and abroad, there have been no injuries to human life," he said. "The people take precautions so that no one gets hurt and their actions speak for themselves."

In fact, in a news release that immediately followed the fires here in Mount Sinai, the arsonists said they had made sure that no one was in the houses at the time the fires were set, and had even moved a propane tank out of the way. After apologizing for disrupting the firefighters' sleep, they added, "We encourage all citizens to donate generous contributions this year to your local volunteer firefighters."

Those sentiments did little to ease the mind of an assistant fire chief. "What if a fireman fell through the floor?" he asked. "There are just a multitude of ways that someone can get hurt like this."

The firefighter insisted on anonymity out of concern for his safety, explaining, "I don't know who these people are and how radical they are."

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## U.S. Gets a New Crop of Terrorists

"Activists opposed to genetic engineering have stepped up attacks on private and government properties in North America. News reports cited 18 strikes in 1999, compared with just a handful in prior years and 11 attacks have been made so far this year...A review by MSNBC.com found that 2000 is on track to be a record year for violence by these biotech extremists." Source: MSNBC, June 14, 2000

### **Sites attacked by groups opposed to genetic engineering.**

#### SEATTLE, WASHINGTON

DATE: November 27, 1999

VICTIM: University of Washington

INCIDENT: Washington Tree Improvement Association hacks up about 200 experimental poplars and alders

#### PUYALLUP, WASHINGTON

DATE: November 27, 1999

VICTIM: University of Washington

INCIDENT: Washington Tree Improvement Association pulls up at least 150 raspberry plants it mistakes for hybrid poplar trees.

#### CANBY, OREGON

DATE: June 4, 2000

VICTIM: Pure-Seed Testing

INCIDENT: The Anarchist Golfing Association destroys experimental grass plots. The company, specializing in golf greens, said the grass was grown using plant breeding, not genetic engineering. Estimated damage: \$300,000-\$500,000.

#### TUELAKE, CALIFORNIA

DATE: May 26, 1987

VICTIM: UC-Berkeley

INCIDENT: Vandals pull up about 3,000 experimental potato plants scheduled to be treated with frost-inhibiting bacterium.

#### WOODLAND, CALIFORNIA

DATE: May 23, 2000

**VICTIM: Seminis Vegetable Seeds**

**INCIDENT: Unnamed activists destroy tomato, broccoli, pea, onion, and pepper crops at research greenhouses.**

**DATE: September 30, 1999**

**VICTIM: Novartis Seeds Inc.**

**INCIDENT: Reclaim the Seeds and Future Farmers smash watermelons, cut up plastic irrigation pipes and pull down trellises.**

**DATE: September 30, 1999**

**VICTIM: Pioneer Hi-Bred International Inc.**

**INCIDENT: Reclaim the Seeds and Future Farmers crush corn, destroy sunflower seed plants - neither genetically engineered.**

### **DAVIS, CALIFORNIA**

**DATE: September 27, 1999**

**VICTIM: UC-Davis**

**INCIDENT: Reclaim the Seeds smashes experimental watermelons, hacks up walnut trees, turns over a weather station.**

**DATE: September 14, 1999**

**VICTIM: UC-Davis**

**INCIDENT: Reclaim the Seeds pulls up and tops Round Up resistant sugar beets in UC-Davis experimental crop.**

**DATE: July 14, 1999**

**VICTIM: UC-Davis**

**INCIDENT: Reclaim the Seeds destroys experimental corn at UC-Davis "to fight the nightmares of biotechnology."**

### **LODI, CALIFORNIA**

**DATE: July 28, 1999**

**VICTIM: Eureka Seeds Inc.**

**INCIDENT: Lodi Loppers cut down more than 500 stalks of corn engineered to resist the herbicide Round Up**

### **SONOMA COUNTY, CALIFORNIA**

**DATE: April 7, 2000**

**VICTIM: Vinifera**

**INCIDENT:** The Petaluma Pruners destroy grape plants in Sonoma County, Calif. The company says the plants were not genetically modified, but raised via plant breeding.

### **ALBANY, CALIFORNIA**

**DATE:** May 21, 2000

**VICTIM:** USDA

**INCIDENT:** Reclaim the Seeds enter research offices at night but flee after being spotted by a security guard.

**DATE:** January 11, 2000

**VICTIM:** USDA's Agricultural Research Service

**INCIDENT:** Reclaim the Seeds breaks into the Western Regional Research Center, dumps experimental wheat plants on floor.

**DATE:** January 10, 2000

**VICTIM:** USDA, University of California

**INCIDENT:** Reclaim the Seeds raid research offices to disrupt tests on genetically modified wheat.

**DATE:** August 2, 1999

**VICTIM:** UC-Berkeley

**INCIDENT:** California Croppers play football in UC-Berkeley cornfields, but the stalks aren't genetically engineered

### **BERKELEY, CALIFORNIA**

**DATE:** September 14, 1999

**VICTIM:** UC-Berkeley

**INCIDENT:** Reclaim the Seeds carves circle in cornfield, but the crop contains no genetically engineered corn.

**DATE:** November 26, 1998

**VICTIM:** UC-Berkeley

**INCIDENT:** The California Croppers play tackle football in genetically engineered corn, damaging UC-Berkeley experiment.

### **BRENTWOOD, CALIFORNIA**

**DATE:** April 24, 1987

**VICTIM:** Advanced Genetic Sciences

**INCIDENT:** Strawberry Liberation Front uproots strawberry plants designed to fight frost formation

### WATSONVILLE, CALIFORNIA

DATE: January 20, 2000

VICTIM: Plant Sciences Inc.

INCIDENT: The Fragaria Freedom Farmers destroy an experimental patch of strawberries.

### KAUAI, HAWAII

DATE: May 10, 2000

VICTIM: USDA, University of Hawaii

INCIDENT: The Menehune strike test crops on Kauai.

DATE: May 9, 2000

VICTIM: Novartis

INCIDENT: Activists calling themselves the Menehune, or elves in Hawaiian, strike a corn plot near Kekaha.

### MANKATO, MINNESOTA

DATE: September 12, 1999

VICTIM: Pioneer Hi-Bred International Inc.

INCIDENT: Bolt Weevils trample research corn at Pioneer Hi-Bred International seed company, damage vehicles, paint graffiti.

### GOLDEN VALLEY, MINNESOTA

DATE: September 1, 1999

VICTIM: Novartis Seeds Inc.

INCIDENT: Bolt Weevils trample and crush corn owned by Novartis, glue locks on company building.

### ST. PAUL, MINNESOTA

DATE: April 1, 2000

VICTIM: U.S. Forest Service

INCIDENT: The Genetic Jokers trash vehicles at the University of Minnesota in St. Paul. The USFS was targeted because of its research into genetic engineering of trees.

DATE: February 9, 2000

VICTIM: University of Minnesota

INCIDENT: The Earth Liberation Front destroys tests on genetically engineered oat crops.

### EAU CLAIRE, WISCONSIN

DATE: October 27, 1999

VICTIM: Pioneer Hi-Bred International Inc.

INCIDENT: Seeds of Resistance breaks four windows at a research center leased by Pioneer Hi-Bred.

### LANSING, MICHIGAN

DATE: December 31, 1999

VICTIM: Michigan State University

INCIDENT: The Earth Liberation Front, targeting a researcher, sets a \$400,000 fire in MSU's 91-year old Agriculture Hall.

### NEWBURY, VERMONT

DATE: August 24, 1999

VICTIM: Paul Knox farm

INCIDENT: Vandals cut down a small patch of Round Up resistant corn, stick cutouts of Monarch butterflies in ground.

### OLD TOWN, MAINE

DATE: August 19, 1999

VICTIM: University of Maine

INCIDENT: Seeds of Resistance damages a half-acre plot of Round Up resistant corn.

Information is taken from the "Eco-saboteurs" section of an MSNBC article that can be viewed at: <http://www.msnbc.com/news/417499.asp?cp1=1>