The Toronto Star Feb 2014

The rise and fall of “eco-terrorist” Rebecca Rubin

<https://www.thestar.com/news/insight/2014/02/02/the_rise_and_fall_of_ecoterrorist_rebecca_rubin.html>

This week Vancouver arsonist Rebecca Rubin was sentenced to five years in jail, the end of a turbulent personal saga involving a love of animals that went badly wrong.

Undated photo of Rebecca Rubin from the Multnomah County, Oregon, Sheriff's office. When she went to turn herself in, Canadian authorities wouldn't make the arrest. Finally her mother drove her to the border.

Undated photo of Rebecca Rubin from the Multnomah County, Oregon, Sheriff's office. When she went to turn herself in, Canadian authorities wouldn't make the arrest. Finally her mother drove her to the border. (ASSOCIATED PRESS)

The 1998 arson of a ski resort in Vail, Colorado.

The 1998 arson of a ski resort in Vail, Colorado.

Ruins of wild horse corral at Litchfield, Calif., ignited by incendiary devices. Rubin pleaded guilty to participating in the arson.

Ruins of wild horse corral at Litchfield, Calif., ignited by incendiary devices. Rubin pleaded guilty to participating in the arson. (U.S. JUSTICE DEPARTMENT)

The FBI's "wanted" poster of Rebecca Rubin. Ten others were convicted in a series of arsons causing $40 million in damage to targets in the Western U.S. including a horse meat processing plant, a ski resort accused of threatening lynx habitat, and an SUV dealership.

The FBI's "wanted" poster of Rebecca Rubin. Ten others were convicted in a series of arsons causing $40 million in damage to targets in the Western U.S. including a horse meat processing plant, a ski resort accused of threatening lynx habitat, and an SUV dealership. (THE ASSOCIATED PRESS)

Undated photo of Rebecca Rubin from the Multnomah County, Oregon, Sheriff's office. When she went to turn herself in, Canadian authorities wouldn't make the arrest. Finally her mother drove her to the border.

Undated photo of Rebecca Rubin from the Multnomah County, Oregon, Sheriff's office. When she went to turn herself in, Canadian authorities wouldn't make the arrest. Finally her mother drove her to the border. (ASSOCIATED PRESS)

The 1998 arson of a ski resort in Vail, Colorado.

The 1998 arson of a ski resort in Vail, Colorado.

By SANDRO CONTENTANews

Sun., Feb. 2, 2014

Canadian Rebecca Rubin sits in a Portland jail cell, her extremist past behind her and five years of prison time to count down. She is shaken but relieved.

“She was pleased with the outcome of the sentencing,” says her mother, Sandy Rubin, noting that on Monday U.S. District Court Judge Ann Aiken gave her the least prison time possible under a plea-bargained deal.

Aiken accepted that Rubin, at 40, is not the same woman who ran with a notorious cell of eco-arsonists when she was in her 20s. Her professed redemption, Aiken concluded, is sincere.

The former Vancouver resident surrendered to the FBI in November 2012 after seven years as a fugitive in B.C. She pleaded guilty to participating in what the FBI calls “the largest eco-terrorism case in United States history.”

By the time the cell disbanded in 2001, it had committed 20 arsons in five western U.S. states causing $40 million (U.S.) in damage. The targets included everything from horsemeat processing plants to SUV dealerships.

“Little Missy,” as Rubin was known in the group, participated in five missions.

“I accept full responsibility for my mistakes,” she wrote in a letter to the court in Portland, Ore. “Although I have changed significantly in the years since I committed these offences, in my twenties I was wilful, driven and stubborn to a fault.

“The years I had spent leafletting, trail building, working in animal sanctuaries, peacefully protesting, blockading, hunger striking, canvassing and letter writing, all seemed to have accomplished nothing,” she added.

She let frustration overcome her, she told the court, and “failed to seriously consider the negative consequences of my actions.”

A deep love of animals had become a story about the rise and fall of an eco-saboteur.

She was born in Nelson, B.C., on April 18, 1973. Her parents divorced when she was 2. When she was 8, her mother moved to London, Ont., to study nursing. Rebecca and her brother, Joel, lived two years with their American father in rural Pennsylvania before rejoining their mother.

Her affinity for animals was evident at an early age. As a child her favourite books were Charlotte’s Web and Beautiful Joe, both of which concern threatened or abused creatures. She dreamed of being a veterinarian but changed her mind when she discovered the training involved “cruelty to animals,” as she put it.

She always had pets — cats, dogs, a rabbit — went camping with the family and spent summers at her grandparents’ lakeside cottage in B.C.

At 16 she became a vegetarian; at 18 a vegan. In court documents, her lawyer, Richard Troberman, says Rubin swore off meat after watching a video of animals “confined under terrible conditions and being slaughtered.

“She was sickened by what she saw,” he writes. “It was this experience that eventually led her into ever-escalating protests against animal abuse.”

To her mother, nothing else about her stood out.

“She was a normal teenage kid without a driving passion for anything in particular,” she said in a phone interview from Vancouver.

The family moved to Vancouver after a decade in London. Rebecca enrolled at Simon Fraser University and studied geography. It was during this period that she became involved with groups aimed at protecting wildlife and the natural world. As a member of Friends of the Wolf, for example, she went on a hunger strike to protect the animal.

In 1996, Rubin went backpacking with a girlfriend for nine months through East Africa and visited a gorilla reserve in Rwanda.

“The fact that the (gorrilla) population is being decimated was heart wrenching for her,” her mother says. “A lot of things happened in Africa to make her really sickened by what was going on in the world with respect to animals.”

In March, 1997, Rubin was living with her mother when their home was raided by the RCMP. Police were investigating the mailing of pipe bombs and razor blades to several companies, including people working in the fur trade and other individuals, including Holocaust denier and former Toronto resident Ernst Zundel.

Shortly after, Rubin moved in with David Barbarash, an animal-rights activist she had met in 1994 while protesting a proposed development of the Burns peat bog near Vancouver. The former Toronto resident had served a sentence for releasing cats from a lab at the University of Alberta and causing $50,000 in property damage.

In 1998, the RCMP charged Barbarash and fellow activist Darren Thurston with 27 counts of mailing dangerous material with intent to harm. Thurston had served time with Barbarash in the cat-release case. For her part, Rubin was charged with possessing material for an explosive device.

Barbarash described the charges as outrageous and accused the RCMP of a dirty-tricks campaign. In 2000, all charges were stayed after the RCMP defied a court order to disclose certain documents on grounds that it would jeopardize future investigations.

By this time, Rubin was active in the U.S. cell that would eventually land her in prison.

Eco-radicalism

Eco-radicalism took root in the U.S. in the early 1970s. It was influenced by such books as The Monkey Wrench Gang, based on the true story of four high school students who vandalized thousands of newly built Arizona homes to protest urban sprawl.

By the late 1980s, the Animal Liberation Front, created in England by fox-hunt saboteur Ronnie Lee, was well-established on both sides of the Atlantic. Also on the scene in Britain, the U.S. and Canada by the mid-1990s was the Earth Liberation Front, initially formed by former members of the Earth First! movement.

All embraced “direct action” by small autonomous cells, justifying destruction of property when less aggressive protest fails.

These views were stoked in the summer of 1995 when a group of determined environmentalists and eco-anarchists descended on a piece of the Willamette National Forest known as Warner Creek, near Eugene, Ore. The U.S. Forest Service wanted logging on a swath of old-growth forest. Activists blocked the access road, camped and bonded in the forest for 11 months.

Among the self-proclaimed Cascadia Forest Defenders were Kevin Tubbs, Jacob Ferguson, Chelsea Gerlach, William Rodgers and Kendall Tankersley. They would form the eco-arsonist cell that Rubin and others joined.

During its six-year lifespan, the cell involved 19 mostly middle class young people who proclaimed themselves members of the ALF and ELF. An arson never involved more than eight people. They called themselves “the elves” and named the fuel mixture used for firebombs “vegan Jell-O.”

Along with their ideology, some shared frustration.

“Everything we were doing was not working and we felt we were failing,” Tankersley said in an interview with the Star. “I would give everything I had to protect a place only to see it destroyed. It was heartbreaking.”

Then she met Ferguson, a heroin addict with dreadlocks and a pentagram tattooed on his forehead. He convinced her that property damage is as American as the Boston Tea Party.

Tankersley became his girlfriend and took part in three attacks before concluding, she says, that he was a twisted pyromaniac. She left the cell after six months.

“It’s not what I wanted my legacy to be,” she says. When she was arrested years later, she was preparing for medical school. She served three years and now, at 36, co-owns a homemade ice cream shop in Colorado.

Romantic relationships played a key role in the cell’s bonding and recruitment. But Tubbs rejects the cell name “The Family,” used by prosecutors, journalists and academic researchers.

“I never heard the name ‘The Family’ in reference to our group until long after my arrest,” he wrote in an email exchange with the Star from the Arizona prison where he is serving a 12½-year sentence.

John Ferreira, the lead FBI agent on the case for a decade in Oregon, never heard the name either. Tubbs speculates the label was the government’s attempt to portray them as murderous Mafia thugs.

The cell’s first attack was a solo job by Tubbs in December 1995. He placed plastic bottles filled with flammable liquid on three trucks at the Dutch Girl Dairy company in Eugene, according to prosecution documents. He spray-painted “ALF,” “Go Vegan,” and “Dairy=Death.” Then he lit the fuse.

Tubbs was eventually convicted for his role in 14 arsons.

He grew up on an Air Force base in Bellevue, Neb., in what he describes as a “happy, stable, Brady-Bunch-like middle-class family with two very loving and caring parents” — and nine dogs.

A defining moment came during his freshman year at college, where he studied fine arts and theatre. He saw a video about the Amazon rainforest being cleared for cattle grazing. It seemed an outrageous example of profit-obsessed, suicidal economics.

He joined People for the Ethical Treatment of Animals (PETA) and took part in confrontational protests. He later joined the ALF/ELF arson cell and was with Rubin for all the arsons she committed.

Rubin’s initiation in direct action came in 1997, according to court documents filed by U.S. prosecutors, when she helped Barbarash and Thurston plan a release of dogs from a medical research lab in California. She carried out this plan two years later.

(Barbarash denied radicalizing Rubin in an interview with Maclean’slast year. He did not take part in the dog release or in any of the arsons the cell committed. Thurston declined to be interviewed for this story.)

In 1997 she also met Tubbs in Canada. She travelled with him and Ferguson to Idaho for a mink release but that mission was aborted.

Her first arson was on Nov. 30. By then the cell had struck four targets, including the dairy company, two U.S. Forest Services ranger stations in the Willamette forest and a horsemeat-processing plant.

She assembled firebombs for the U.S. Bureau of Land Management wild-horse facility in Burns, Ore., where some horses were destined for slaughter. The crew had two-way radios and a police scanner.

She opened the gates to release the horses while others set the devices. Then they dug a hole in the ground, threw in their clothes and shoes, doused them with acid and covered them with dirt. Finally, they issued an ALF/ELF communiqué accusing the bureau of “hypocrisy and genocide against the horse nation.” The fire destroyed the facility.

Rubin was back in action a year later at another government horse facility in Rock Springs, Wyo. But the gang spotted police and aborted the mission. They buried the firebombs nearby and left.

The next target was the Vail ski resort in Colorado, which the cell believed was encroaching on lynx habitat. A crew of seven, including Rubin, lugged backpacks filled with fuel containers up a steep snow-covered mountain. Deciding the cold made the detonators unreliable, they hid the fuel in snow wells and left.

On Oct. 11, they returned to the horse corral in Wyoming and dug up the firebombs. Rubin freed the horses before the devices could be placed.

“Horses being horses, they go where the food is, so they ran into town,” says Stephen Peifer, the U.S. prosecutor, laughing. “Of course that alerted law enforcement and all of a sudden they’re scurrying to get the hell out of there. So that had to be aborted too.”

Eight days later, Rodgers and Gerlach made their way back to the Vail ski resort. Rodgers dug out the hidden fuel and torched the place. Damage and loss of revenue amounted to $24.5 million. Though Rubin wasn’t present for the fire, she pleaded guilty to the arson nonetheless.

In late December 1998, after started a relationship with Tubbs that lasted two years, Rubin helped place firebombs at a forest-products company in southern Oregon. Days later Ferguson noticed they had not exploded, so he and Tankersley returned to make it happen.

The attacks become the talk of the environmental and animal-rights movements. “There was a lot of energy and excitement and support for it,” says Leslie James Pickering, then the ELF spokesperson. “People really felt like, ‘If we don’t like what’s going on and we ask (government and companies) to stop politely and they don’t, we have another recourse.’ ”

Finally, in October 2001, Rubin and Thurston crossed the border illegally to take part in an attack against another government wild-horse corral in California. They wore gloves, dressed in black and covered their shoes with socks. The fire destroyed a barn.

It was the cell’s last arson.

Operation Backfire

To catch the arsonists, the FBI and state police forces set up a task force called Operation Backfire, a project that was hampered by jurisdictional infighting and difficulty amassing sufficient evidence against cell members.

“They kicked our butts,” says Ferreira, the former FBI investigator. “We had no idea who they were.”

No DNA or fingerprints were left at the crime scenes. Cell members vowed never to speak of an arson, even to one another. No one cell member knew the names of all the others. Most went by what Ferreira calls their “earth names” — Tubbs was “Dog,” Rodgers was “Avalon,” Rubin was “Little Missy” (and later “Kara”).

Many attended so-called “book club” meetings held in five states, where they learned firebomb making, reconnaissance, lock picking and secret communications.

“Our only hope was to get somebody to flip,” says Ferreira, who retired from the FBI in 2006 and opened a sports memorabilia store in Eugene.

By 2004, federal officers presented Ferguson with evidence that he had lied to them while under subpoena years earlier, an offence that carries a five-year prison term. He agreed to wear a wire. In return, the FBI paid for his methadone treatment and guaranteed he wouldn’t do time for the 14 arsons he had committed.

“We had to make a pact with the devil,” Ferreira says. “We had no choice.”

Ferguson secretly recorded eight former cell members across the country, including Tubbs, Rodgers and Thurston. He returned with a treasure trove of incriminating evidence.

“Ferguson was associated with the anarchist, anti-capitalist punk scene,” says Lauren Regan, a Eugene civil-rights lawyer who defended four of the cell members. “He was the last person anyone thought would work with the feds.”

In December 2005, police began making arrests.

In Rodgers’ Arizona home, police found timing devices and child porn on his computer, as well as details of the arson manuals he wrote. He was a ringleader: he recruited six cell members and founded the “book club.” He funded his activities by growing and selling marijuana.

While in custody days later, he wrapped a plastic bag over his head and killed himself.

Faced with long prison terms, many did what they vowed never to do — they snitched, guaranteeing them infamy on militant websites.

Sixteen have so far pleaded guilty, receiving sentences ranging from three to 13 years. All but one got extra time under a formula reserved for terrorists, even though none was charged as a terrorist and the arsons did not injure a single person.

Lawyer Regan, executive director of Eugene’s Civil Liberties Defense Center, says the sentences were meted out during post-9/11 “hysteria.” Labelling “bunny huggers as terrorists” was the government’s attempt to compensate for its failure to prevent 9/11, she says.

The fugitive

In court documents, U.S. prosecutor Stephen Peifer describes Rebecca Rubin as a “dedicated member” of the cell. But FBI agent Jane Quimby, who spent years hunting her, calls Rubin “more of a follower.”

Certainly, Rubin had a deep concern for animals, but might never have committed crimes if not for the influence of others, Quimby says.

Whichever it was, Rubin had come to realize by the time of the cell’s last arson in 2001 that the attacks were counterproductive, Troberman, her lawyer, told the court.

She took an online course on bird biology with the Cornell Lab of Ornithology, worked on a public information program aimed at keeping bears off private property, attended wildlife rehab workshops in the U.S., and worked at several agencies that help injured animals.

In 2003, she lived in a small cabin with a wood stove and an outhouse in B.C.’s Slocan Valley. While working at the Island Wildlife Natural Care Centre on B.C.’s Saltspring Island, she came across a bantam chicken with a bizarre problem — it couldn’t keep its head straight. Rubin wouldn’t accept a mercy killing. She built a splinter for the chicken’s neck and took it home.

“She made a little place for the chicken to live in her cabin,” says Sandy Rubin. “And after months and months of wearing this little device, the chicken recovered.”

Rubin wanted to open her own wildlife rehab centre one day. In 2004 she took a six-month internship at the Ventana Wildlife Society in California and helped introduce condors to the wild.

She entered the U.S. so often she probably thought her past was behind her.

But in January 2006, U.S. Attorney General Alberto Gonzales and FBI Director Robert Mueller announced a 65-count indictment against 11 former members of the arson cell, flatly calling them terrorists. Rubin’s name was among them.

“I was terrified to be compared to Osama bin Laden in the media,” she told the court. She panicked and fled, leaving her mother a cryptic message: “Check the Internet, I’m going away.”

“I lost everything and everybody when I left home, ashamed and in fear of my life,” Rubin says in her letter. “My entire world fell away.”

“I spent months crying myself to sleep,” she adds. “I felt like a ghost: unmoored and completely alone.”

Quimby tracked Rubin to the condor centre. She learned there that Rubin had adopted an abandoned dog from the local humane society, whose records led her to Sandy Rubin’s North Vancouver home.

When Quimby visited, no one was home but she spotted the dog through the window. When she met Rubin later that day, the dog was no longer at the house.

“We were pretty convinced that either Rebecca had left the dog with mom or that she was somewhere in the neighbourhood, or maybe even living there,” Quimby says.

The agent made an FBI “wanted” poster with the dog’s picture, planning to show it to vets within a 160-kilometre radius of Sandy’s home. But Canadian authorities balked, so Quimby dropped the idea.

Years passed. Quimby makes it clear that Canadian police did less surveillance of Sandy Rubin’s home and neighbourhood than the FBI would have liked.

“The reality is, we had a pretty good idea of where she was and we were not able to make things happen,” she says.

Quimby hunted Rebecca Rubin from 2002 until she retired from the FBI in 2010: “People would say, ‘What do you want for Christmas?’ And I’d say, ‘I want Rebecca Rubin to turn herself in.’ ”

Rubin first tried to do so through her lawyer in 2009. But when California prosecutors told her they would insist on a 30-year sentence, she stayed underground.

She worked odd jobs while living in fear of being recognized. She missed her family and friends.

In 2012, she tried again for a deal. This time, the U.S. Justice Department approved a plea bargain that set her sentence at between 60 and 90 months and wouldn’t require her to snitch on others.

She showed up at her mother’s home in late September 2012. “She looked great,” her mother says. “She looked healthy, she looked strong.”

The plan was for Rubin to be held by Canadian authorities and taken to the border once arrangements were made. But they refused to arrest her.

“It’s odd,” Troberman says. “I mean, this woman was reputed to be the most wanted eco-terrorist, then she tries to turn herself in and it’s, ‘thanks, but no thanks.’ ”

There was no arrest warrant for Rubin in Canada. The “provisional” warrant needed was never issued because it required an address for the fugitive.

“It was a catch-22,” says Stephen Peifer, who prosecuted the case in the District of Oregon. He adds that a provisional warrant request when Rubin was surrendering would have triggered a lengthy extradition process, which everyone wanted to avoid.

In short, Peifer says that in all Rubin’s years as a fugitive, she was hiding from police forces that could not have arrested her even if she had been spotted in downtown Vancouver.

During this uncertain period, Rubin spent two months catching up with her family. She renewed bonds with her 95-year-old grandfather and her older brother. She and her mother went to movies, dinners and long hikes on Cypress and Seymour mountains near Vancouver.

Finally, on Nov. 29, the Rubins agreed to the only option that seemed available: mother and daughter drove to the border in Blaine, Wash., and into the arms of the FBI.

“Had we not agreed to do that, God knows she could still be sitting here waiting,” Sandy Rubin says.

Decline of eco-terrorism

Broadly defined, there were 172 incidents of eco-terrorism in the U.S. between 1970 and 2010, according to a report to the Department of Homeland Security, citing statistics from the global terrorism database at the University of Maryland.

The incidents peaked when the arson cell was active in the late 1990s and have since declined to less than a handful a year.

The decline partly reflects the reasons Peifer gives for the cell’s breakup: frustration that facilities were simply rebuilt after they were attacked; activists growing up; and the fallout from the 9/11 attacks, where anything that smacks of terrorism is publicly abhorrent.

Pickering, the former ELF spokesperson, warns that extremism may re-emerge as concern for the environment becomes more urgent. Economic sabotage is already a widely used tactic — for example, costly disruptions to the building of oil pipelines.

“As things get worse,” says Regan, the civil-rights lawyer, “people’s perception of the word radical is going to change, as it has throughout history.”

As part of her sentence, Judge Aiken ordered Rubin to read a couple of books, including Nature’s Trust: Environmental Law for a New Ecological Age, by University of Oregon law professor Mary Wood. It argues governments have become the servants of private interests plundering the environment.

Wood also lays out the legal argument behind “atmospheric trust litigation” occurring in virtually every U.S. state: that the environment is a public asset held in trust by governments, which have a duty to protect it.

“It’s a bold call to (democratic) action for citizens,” Wood says of her book in an interview. “We must not let this time slip by because our officials are mismanaging our trust assets so much that they’re putting our life systems in danger.”

Rebecca Rubin is a changed person. But even the judge who locked her up apparently doesn’t want her to lose the passion that her younger self misdirected.