

EXHIBIT 167



U.S. Department of Justice
Federal Bureau of Prisons
Correctional Programs Division

Counter Terrorism Unit

LE [REDACTED]

July 19, 2007

MEMORANDUM FOR MICHAEL K. NALLEY, REGIONAL DIRECTOR
NORTH CENTRAL REGIONAL OFFICE

//s//

FROM: Leslie S. Smith, Chief, Counter Terrorism Unit

SUBJECT: Communication Management Unit (CMU) Referral
P [REDACTED], Reg. No. P [REDACTED]

1. Rationale for Re-designation:

Inmate P [REDACTED] is a member and leader of a group which called themselves, "The Family." This group of approximately 16 persons are associated with the Earth Liberation Front (ELF) and Animal Liberation Front (ALF), groups considered domestic terrorist organizations. The group committed numerous acts of arson, destruction of an energy facility, attempted arson, use of explosives and incendiary devices, interference with interstate commerce, sabotage, intimidation, and other acts of property destruction. Inmate P [REDACTED] plead guilty to 62 counts spanning two indictments, and based on the plea agreement, was not indicted for five additional arsons (PSR paragraph 151).

Inmate P [REDACTED] communications warrant heightened controls and review due to the fact that he was a leader/organizer of the group; wrote material, specifically for ELF, regarding the use of incendiary devices; used coded communications during the commission of the offenses; participated in recruitment of others into the group; espoused his anti-government beliefs verbally and in written communications; trained others to design and construct incendiary devices and well as how to conduct arson without being caught; and demonstrated the ability to plan, organize and carry out his plans without detection.

Below are details found in the Pre-Sentence Report (PSR) which demonstrate the

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actions of the inmate which justify his placement in THA CMU.

- Sentenced under the terrorism guideline enhancement because the felony offenses either involved or were intended to promote a federal crime of terrorism (PSR paragraph 11, 91, 100, 114, 120, 125, 132, 145)
- Sentenced under a three level increase for his role as an organizer, leader, manager and/or supervisor in the offense conduct (PSR paragraph 13, 126)
- Between 1996 and 2001, the group committed 16 arsons resulting in property damage in excess of \$20,000,000.00 (PSR paragraph 29)
- The conspirators shared a similar belief opposing the government's and private companies' policies regarding the harvesting of timber and animal rights; which expanded to agencies involved in genetic research (PSR, paragraph 30)
- The arsons went unsolved because the conspirators avoided detection by carefully planning and researching targets; conducting reconnaissance of targets; completing "dry runs;" wearing gloves, masks and dark clothing to disguise their appearance during the crimes and concealing or destroying the evidence (PSR, paragraph 31, 53, 55, 63, 71, 144)
- The arsons went unsolved because the conspirators avoided detection by attempting to conceal their true identity by using code words and numbers, code names and nicknames; and producing or obtaining false identification documents (PSR, paragraph 31, 74)
- Nine of the conspirators, including inmate P [REDACTED], participated in the "Book Club" which held meetings which were kept secret and members communicated through coded messaging. The purpose of the Book Club was to formalize the training of criminal participants. It has been described as an "arsonist school." It was to train more activists so that there would be a pool of arsonists to draw from for future arsons. The meetings were secretive, and all communication outside the club was made in code. (PSR, paragraph 31, 74)
- Inmate P [REDACTED] designed, built and assembled digital timers and incendiary devices of his own design as well as the design of others. Designs of the timers and devices were improved over time as admitted by inmate P [REDACTED] (PSR, paragraph 47, 55, 58, 64, 69, 76, 151)
- The arson of the Vail Associates ski lodge occurred the day prior to a scheduled project to expand the property into adjacent wooded areas as approved by the US Forest Service. After a law suit was unsuccessful to prevent the project, the arson was carried out (PSR, paragraph 41)

Communication Management Unit (CMU) Referral

P [REDACTED], Reg. No. P [REDACTED]

- After many of the arsons, communiques were issued, often assuming responsibility for the arson by either ELF or ALF. Often, the communiques were prepared, at least once using computers at a local library (PSR, paragraph 40, 45, 49, 60, 66, 72, 73)
- Inmate P [REDACTED] and others planned an act of sabotage to disrupt the power or electricity to coincide with the perceived Y2K event. Inmate P [REDACTED] talked about destabilizing an unjust government involving graft or corruption within politics, and injustices committed by the United States as a nation (PSR, paragraph 51)
- Inmate P [REDACTED] was in charge of the team that performed the arson at Jefferson Poplar Farm (PSR, paragraph 68)
- One communique stated, "Pending litigation in Oregon and Washington further criminalizing direct action in defense of the wild will not stop us and only highlights the fragility of the ecocidal empire" (PSR, paragraph 73)
- Inmate P [REDACTED] made contributions to the writing of an ELF arson manual, "Setting Fires with Electronic Timers". He also taught others how to build incendiary devices. The government believes that inmate P [REDACTED] was a supervisor or manager in two arsons. By his own admission, inmate P [REDACTED] assumed a leadership role in the Eugene Police substation arson and organized the Romania Chevrolet and Jefferson Poplar farm arsons, and exercised decision making authority (PSR, paragraph 76)
- Inmate P [REDACTED] admitted his crimes were heinous and acts of terrorism at that time. Inmate P [REDACTED] said his actions were meant to frighten or terrify victims. (PSI, paragraph 87)
- Inmate P [REDACTED] was prompted by the book, "Eco Defense," to buy firearms. The book recommended using rifles and shotguns for firing at high voltage power line insulators to shut off power to lumber mills. Inmate P [REDACTED] said he was prompted to buy a shotgun after reading this and also because he thought the collapse of civilization was taking place and there would be famine. He said the Clinton administration was limiting gun ownership, which worried him, and all these factors prompted him to buy guns. Being in 1998, inmate P [REDACTED] said for a while he was a "gun nut" buying several weapons. The guns were buried and hidden in various locations for concealment. He recalled shooting firearms with at least six other members of the family. (PSR, paragraph 90)
- Inmate P [REDACTED] is fluent in French and English (PSR, paragraph 160)

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Communication Management Unit (CMU) Referral

P [REDACTED], Reg. No. P [REDACTED]

- In 2005, inmate P [REDACTED] worked as an intern at Ida Technical in Bend, Oregon, as a chemical tester (PSR, paragraph 175).

- LE [REDACTED]

- LE [REDACTED]

2. **Proposed Transfer Code:** This is an initial designation after sentencing.

3. **CiM Assignment:** LE [REDACTED]

4. **STG Assignment:** LE [REDACTED]

5. **Release Destination:** District of Oregon.

6. **Medical Status:** Inmate P [REDACTED] is a LE [REDACTED]. The report indicates there are no known medical or dental concerns which would preclude his placement in the CMU.

7. **Does Inmate Concur With Transfer:** The inmate's opinion was not solicited.

8. **Additional Pertinent Information:** Inmate P [REDACTED] is a 30 year old, white, male. He was born in P [REDACTED] and is a naturalized US Citizen. He has a current residence of Charlottesville, Virginia. He is an IN custody inmate with security level of LOW. He is listed in the Victim/Witness Notification Program. He is currently housed in a county jail and has no BOP disciplinary history. He was sentenced to 156 months with 3 years supervised release for conspiracy to commit arson & destroy an energy facility, arson, destruction of an energy facility, and attempted arson.

LE [REDACTED]

LE [REDACTED]

Communication Management Unit (CMU) Referral

P [REDACTED], Reg. No. P [REDACTED]

LE [REDACTED]

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U.S. Department of Justice
Federal Bureau of Prisons
Correctional Programs Division

Counter Terrorism Unit

LE [REDACTED]

July 20, 2007

MEMORANDUM FOR MICHAEL K. NALLEY, REGIONAL DIRECTOR
NORTH CENTRAL REGIONAL OFFICE

//s//

FROM: Leslie S. Smith, Chief, Counter Terrorism Unit

SUBJECT: Addendum
Communication Management Unit (CMU) Referral
P [REDACTED], Reg. No. P [REDACTED]

Below please find additional information regarding the justification for referral of inmate P [REDACTED], Reg. No. P [REDACTED], to the Communications Management Unit (THA CMU). Much of this information can be found in the Pre-Sentence Report (PSR) and supporting documentation for inmate P [REDACTED], Reg. No. P [REDACTED]. The information in the P [REDACTED] PSR disputes information in the P [REDACTED] PSR as well as information in the psychological and judicial recommendations.

- 1) "She P [REDACTED]) and [REDACTED] had broken off their relationship prior to 2001 and she began living with codefendant P [REDACTED]." (P [REDACTED] PSR, paragraph 134)

This is important because the judicial and AUSA recommendations, as well as the psychological report present P [REDACTED] as, "an individual who is very dependent on others...he will permit others to exploit and mistreat him." Further, the psychological report states, LE, P [REDACTED]

[REDACTED]

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Addendum - Communication Management Unit (CMU) Referral

P [REDACTED], Reg. No. P [REDACTED]

However, after P [REDACTED] relationship ended with P [REDACTED] "prior to 2001," P [REDACTED] continued to be involved in the following actions during and after the year 2001:

- Arsons - 6
- Arsons without Gerlach present: 4
- "Book Club:" This "anarchist school" began in 2001
- Firearms: Continued to purchase and practice with firearms through 2005

A review of his reported susceptibility to coercion or intimidation lends to not concur with this interpretation. P [REDACTED] has been identified with a genius level IQ and a leader/organizer in many of the arsons. He took on the responsibility for these acts, regardless of his relationship with P [REDACTED], and even after the relationship ended. His cooperation seems more of an excuse to avoid jail time as mentioned in his own statements where he admitted this directly affected his decisions (P [REDACTED] PSR, paragraph 165).

Further, P [REDACTED] was involved in the accumulation of firearms of his own accord, without the coercion of others, after reading a book. He even admitted to maintaining possession of these weapons, and practice shooting with other persons from "The Family," well into 2005, even though the arsons had supposedly stopped; these charges were not pursued as part of the plea agreement as were other arson charges and sabotage at genetic engineering facilities.

Though the psychologist and judge found him to be "not a threat," his ability to lead and motivate others, as well as express his beliefs, put them in writing, and train others lead us to believe the potential is still there and warrants monitoring of his communications.

- 2) P [REDACTED] has had only two major romantic relationships with men from the age of 17 to the time of her arrest. During these relationships, which were enmeshed and co-dependent, P [REDACTED] world was narrow and isolated. The first of these adult relationships, with "P [REDACTED]," (the nickname of P [REDACTED]), lasted for six years and was both verbally and emotionally abusive." (Psychological evaluation memo, dated May 3, 2006, page 2, third paragraph, included as an attachment with the PSR to the judge)

Clearly this demonstrates each individual, P [REDACTED] and P [REDACTED], as blaming the other for their own actions, and involvement in the illegal activities. Each blames the other as an influence and guiding factor for becoming involved in the instant offense. However, P [REDACTED] was introduced to environmental activism and met P [REDACTED], a leader of the group (deceased), prior to meeting and becoming

Addendum - Communication Management Unit (CMU) Referral

P [REDACTED], Reg. No. P [REDACTED]

involved with P [REDACTED]. Further, each continued their criminal activities after the relationship ended; P [REDACTED] as noted above, and P [REDACTED] involvement with drugs (marijuana), firearms and sabotage actions against bio-engineering facilities.

- 3) Much of the information regarding P [REDACTED] is repeated verbatim in the other PSRs as well, including statements by the judge, AUSA and defense attorneys. They all claim the members willingly cooperated but are subject to intimidation as snitches. They all received sentence reductions based on their cooperation though the documentation states they are at risk for the cooperation from the others in the group. The memo from the judge regarding P [REDACTED] reads verbatim as to P [REDACTED] except for all the "she's" and stating P [REDACTED] is teaching yoga and English rather than English and other subjects for P [REDACTED].

It appears the judge and AUSA have dismissed the seriousness of the offense and underestimate the scope and breadth which is the reach of ALF/ELF.



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LE [REDACTED]

July 23, 2007

MEMORANDUM FOR MICHAEL K. NALLEY, REGIONAL DIRECTOR
NORTH CENTRAL REGIONAL OFFICE

//s//

FROM: Leslie S. Smith, Chief, Counter Terrorism Unit

SUBJECT: Addendum #2
Communication Management Unit (CMU) Referral
P [REDACTED], Reg. No. P [REDACTED]

Below please find additional information regarding the justification for referral of inmate P [REDACTED], Reg. No. P [REDACTED], to the Communications Management Unit (THA CMU). The below information can be found in news reporting regarding "The Family" and Operation Backfire, however is not included in the PSRs for any of the inmates.

News media reporting, and as listed below from Rollingstone.com in an article entitled, "The Rise & Fall of the Eco-Radical Underground," have reported the extensive means by which members of The Family communicated secretly in order to avoid detection of their activities and crimes.

After an arson and releasing of horses at a Bureau of Land Management ranch, the mailed their communique to another activist who later, "sent the communique to every news outlet in the state." Further, the article states the group typed the communique, "gloves on," apparently in order to avoid leaving trace evidence.

In another quote, the article talks about P [REDACTED], Reg. No. P [REDACTED]: "He was in charge of the voice mailbox they had set up for people to leave messages."

The following section describes how The Family, and the Book Club specifically, used codes, encrypted e-mail messages and electronic techniques to communicate without

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Addendum - Communication Management Unit (CMU) Referral

P [REDACTED], Reg. No. P [REDACTED]

detection. "Each member received code books with instructions on how to use encrypted e-mails and a secret password at a shared Web site to communicate in between meetings. The technique - similar to one used by Al Qaeda - involved drafts of e-mails, which could not be traced electronically, and which self-destructed after seven days. P [REDACTED] also gave them pages of his instructions for firebombs, which they had to memorize and then destroy."

After the Superior Lumber arson, the group's communique was e-mailed to the same activist as the first communique for publication through the media.

CMU REVIEW

DATE: JULY 20, 2007 CURRENT FACL: N/A CUSTODY: IN
NAME: (P-1) REG NO: (P-1) S/L: LOW

TELEPHONE OR MAIL ABUSE I. R.(S): NONE

CIM ASSIGN: (O)2

COMMENTS

CORRECTIONAL PROGRAMS: (P-1) current offense includes Arson, Conspiracy to Commit Arson and Destruction of an Energy Facility, Attempted Arson and Destruction of an Energy Facility. These offenses involved (P-1) close association with the Earth Liberation Front (ELF) and the Animal Liberation Front (ALF). During the course of the conspiracy, he and others committed numerous acts of arson, used explosives and incendiary devices to interfere w/ interstate commerce, and committed numerous other acts of property destruction. (P-1) pled guilty to 62 counts, and property damage was estimated to be in excess of \$20M. (P-1) ELF on how to make an incendiary device to commit arson and not get caught, used coded communications, recruited others into his network, and espoused anti-government beliefs. (P-1)

(P-1) His security level is LOW. Based on his significant leadership abilities, high educational and technical background, and blatant disregard for government, CTU staff are recommending placement in the CMU. He is a care level 1 with an unknown release date at this time (serving 156 months). He maintains STG assignments

(O)1
(O)1
J. George 7/20/07

CORRECTIONAL PROGRAMS ADMINISTRATOR: *Based on ability to influence other domestic terrorist organizations I believe placement in CMU is warranted. J. George 7/20/07*

CORRECTIONAL SERVICES ADMINISTRATOR: *base on history, skills and abilities Recommend CMU placement P. L. 7/20/07*

EXECUTIVE ASSISTANT: *RECOMMENDS CMU. Jm 7/24/07*

Jr DEPUTY REGIONAL DIRECTOR: *Concur w/ the Above J. George 7-26-07*

REGIONAL DIRECTOR: *Assigned for CMU. Phil Jones 7/27/07*



U.S. Department of Justice
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Counter Terrorism Unit

CTU Address [REDACTED]

November 29, 2010

MEMORANDUM FOR MICHAEL K. NALLEY, REGIONAL DIRECTOR
NORTH CENTRAL REGION

FROM: //S - D. Schiavone, Senior Intelligence Analyst - For//
Les Smith, Chief

SUBJECT: [REDACTED] Reg. No. [REDACTED]

The Warden at FCI Terre Haute has submitted a recommendation to redesignate inmate [REDACTED] from the Communications Management Unit program.

The CTU concurs with this recommendation.

Inmate [REDACTED] was recommended and approved for placement in a CMU due to his association with the Earth Liberation Front (ELF) and Animal Liberation Front (ALF), groups considered domestic terrorist organizations. Inmate [REDACTED], along with his group of co-defendants, committed numerous acts of arson, destruction of an energy facility, attempted arson, use of explosives and incendiary devices, interference with interstate commerce, sabotage, intimidation, and other acts of property destruction. Inmate Meyerhoff plead guilty to numerous charges which included Conspiracy to Commit Arson; Destruction of Energy Facility & Arson / Attempted Arson.

Inmate [REDACTED] communications warranted heightened controls and review due to the fact that he was an organizer of the group; wrote communiques for ALF/ELF actions; used coded communications during the commission of the offenses; participated in recruitment of others into the group; espoused his anti-government beliefs verbally and in written communications; trained others to design and construct incendiary devices and well as how to conduct arson without being caught; and demonstrated the ability to plan, organize and carry out his plans without detection.

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BOP CMU 067350

PROTECTED - ATTORNEYS' EYES ONLY

Inmate [REDACTED] is a LOW security inmate with IN custody. He is a Care Level 1 / Care 1-MH inmate. He has the CMC assignments of Separation and Broad Publicity, and the STG assignments of: STG [REDACTED]

While in the CMU program at THA CMU, since May 6, 2009, inmate [REDACTED] has not incurred any incident reports relating to communications, nor has any information been discovered which would indicate attempts to circumvent communication monitoring procedures.

A check with outside law enforcement agencies through BOP representatives on the NJTTF G (LE), I (DP) [REDACTED].

The CTU concurs with the Warden's recommendation to transfer inmate [REDACTED] from the CMU program.

Inmate G (LE) [REDACTED] in his case, as well as the cases of numerous other individuals charges with offenses related to their association with ALF & ELF. G (LE) [REDACTED] was widely documented in the mainstream media as well as underground and independent media which covers, and often advocates, for the ideology and practices of ALF & ELF. Inmate L.E./Separatee [REDACTED] and should be considered as L.E./SEP [REDACTED]

Because of his G (LE) [REDACTED], it is anticipated inmate [REDACTED] will likely G (LE) [REDACTED], particularly those of a G (LE) [REDACTED] and [REDACTED] y.

Therefore, if approved for redesignation from THA CMU, is it recommended inmate [REDACTED], as a LOW security inmate with G (LE) [REDACTED], be re-designated to a LOW security institution G (LE) [REDACTED]. This designation will be for no less than 6 months, as a step-down process from the CMU, as outlined in current CMU procedures, but inmate [REDACTED] may remain longer at the chosen facility if programming and security needs warrant. The CTU will coordinate with the DSCC to determine an appropriate designation.

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BOP CMU 067351

CMU REFERRAL

DATE: November 30, 2010	FACT: THA	CUSTODY: IN
NAME: [redacted] (P-1)	REG NO [redacted] (P-1)	S/L: LOW
PHONE OR MAIL ABUSE I.R: N/A		
CIM ASSIGN: [redacted] (O)2		

--COMMENTS--

CORRECTIONAL PROGRAMS: [redacted] (P-1) year old male who arrived at THA CMU on May 6, 2009, as an initial designation based on his offense conduct. He was convicted of Conspiracy to Commit Arson and Destruction of an Energy Facility, Arson, Attempted Arson, and Destruction of an Energy Facility. [redacted] (P-1) the groups Animal Liberation Front (ALF) and Earth Liberation Front (ELF). These two groups are considered domestic terrorist organizations. He has the STG assignments of [redacted] (O)1 [redacted] (O)1 [redacted] (P-1) [redacted] (P-1) has not incurred any incident reports and has not engaged in any activity to circumvent the communication monitoring procedures. He has actively participated in recommended educational programming. THA has recommended [redacted] (P-1) be transferred out of the CMU program due to his clear conduct and positive relationship with staff. CTU concurs with THA and recommends placement at an appropriate Low security institution as part of the step-down process. M. X. Sedillo *MS*

CORRECTIONAL PROGRAMS ADMINISTRATOR: *Based on his overall positive adjustment, I concur with his transfer from CMU to an open population.*
[Signature]

PSYCHOLOGY SERVICES ADMINISTRATOR: *A review of available records revealed no mental health concerns that might preclude transfer from the CMU.*
C. Kelly, PhD, Psy, 12-1-10

CORRECTIONAL SERVICES ADMINISTRATOR: *Concur with rationale and request. However, he is assigned a Required Monitoring CSA, which presents a concern since inmates in a low control mail their outgoing mail. [redacted] Act CSA.*

EXECUTIVE ASSISTANT: *Concur with recommendation based on institution's referral and CTU concurrence.*
[Signature]

SENIOR DEPUTY REGIONAL DIRECTOR: *Concur with transfer from CMU*
[Signature] 5/1/10

REGIONAL DIRECTOR: *Concur w/ a low security facility, which meets the needs of the inmate's monitoring and security level.*

EXHIBIT 168

CMU REFERRAL

DATE: June 6, 2012	FACT: CTU	CUSTODY: IN
NAME: (P-1)	REG NO. (P-1)	S/L: HIGH
PHONE OR MAIL ABUSE I.R: N/A		
CIM ASSIGN: (O)2		

---COMMENTS---

CORRECTIONAL PROGRAMS: (P-1) is a 22-year-old male who was recently sentenced to 300 months for Attempted Use of a Weapon of Mass Destruction. His offense involved the orchestration of a plot to attack an Armed Forces recruiting station in Catonsville, Maryland, with an explosive device. (P-1) initiated the subject of attacking domestic United States military targets due to his anger toward America and his belief Muslims were being unjustly targeted and killed by the American military. (P-1) attempted to recruit several other individuals to join his conspiracy, including an individual who was believed had the ability to obtain weapons. (P-1) articulated his militant beliefs in postings on his public Facebook page, as well as during discussions with undercover law enforcement operatives. (P-1) stated he wanted his "jihadist" activities to be his "profession". (P-1) attempted to detonate an explosive device at the Armed Forces recruiting station and admitted the bomb was intended to kill military service members who worked in the building. (P-1) STG assignments (O)1. Based on his offense conduct and beliefs which could threaten institution security, as well as the safety of staff and inmates, CTU staff recommended placement of (P-1) in a CMU where his behavior and specifically his communication can be more strictly controlled and monitored. C. Acevedo

CORRECTIONAL PROGRAMS ADMINISTRATOR: I concur with placement in a CMU based on his documented offense behavior and his continued militant beliefs. *[Signature]*

CORRECTIONAL SERVICES ADMINISTRATOR: I concur that the inmate requires the information security practices and programs available in a CMU. *[Signature]*

PSYCHOLOGY SERVICES ADMINISTRATOR: There are no mental health issues noted in available documents to indicate the presence of a severe/significant MH issue/disorder/diagnosis. Furthermore, there are no obvious signs or indicators that are issues/signals which would preclude or interfere with the placement of this inmate into a CMU. He appears to be very intelligent and savvy which makes him an easy target for radicalization. *[Signature]*

EXECUTIVE ASSISTANT: Concur with CMU placement, Inmate has demonstrated he will benefit from the increased supervision & monitoring of his communication. *[Signature]* 6/8/12

SENIOR DEPUTY REGIONAL DIRECTOR: Concur with recommendation for CMU placement as noted above. *[Signature]* 6/8/12

REGIONAL DIRECTOR: Concur w/ recommendation for CMU placement. *[Signature]* 6/8/12