

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

**ORIGINAL
FILED**

JAN 17 2006

CLEHK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLEHK

UNITED STATES OF AMERICA
v.

ERIC McDAVID, LAUREN WEINER,
and ZACHARY JENSON

CRIMINAL COMPLAINT

CASE NUMBER:

206 - MJ - 0021 **CSH**


I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From approximately **July 2005 through January 13, 2006** in **Placer County**, in the State and Eastern District of California, and elsewhere, the defendants did

- ▶ **knowingly conspire to commit an offense defined in this chapter, to wit, 18 U.S.C. §§ 844(f)(1) and 844(i),**

in violation of **Title 18, United States Code, Section 844(n)**. I further state that I am a Special Agent of the Federal Bureau of Investigation and that this complaint is based on the following facts:

- ▶ **See Affidavit of Special Agent Nasson Walker**

Continued on the attached sheet and made a part hereof.



Nasson Walker, Special Agent
Federal Bureau of Investigation

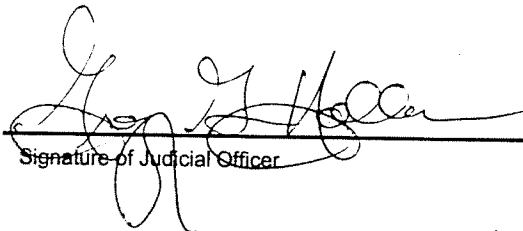
Subscribed and sworn to before me.

January 13, 2006

at Placerville, California

Honorable Gregory G. Hollows
United States Magistrate Judge

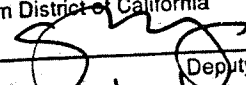
Name and Title of Judicial Officer



Signature of Judicial Officer

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.

ATTEST: **JACK L. WAGNER**
Clerk, U. S. District Court
Eastern District of California

By  Deputy Clerk
1/17/06

1 **AFFIDAVIT IN SUPPORT OF COMPLAINT**

2

3 I, Nasson Walker, Special Agent of the Federal Bureau of
4 Investigation ("FBI"), United States Department of Justice,
5 having been duly sworn, do depose and state the following:

6 **I. EXPERIENCE OF AFFIANT AND SUMMARY OF REQUEST**

7 I have been a Special Agent of the FBI since June 2004. I
8 have been assigned to the Domestic Terrorism squad for the
9 Sacramento Division since my arrival in Sacramento in November
10 2004, and have investigated primarily those matters involving
11 environmental terrorism.

12 Three individuals, **Eric McDavid, Lauren Weiner, and Zachary**
13 **Jenson** (the "subjects"), were arrested on January 13, 2006 for
14 conspiring to damage or destroy certain property by explosive or
15 fire, including the United States Forest Service Institute of
16 Forest Genetics and certain other publicly- and privately-owned
17 infrastructures, in violation of 18 U.S.C. § 844(n).

18 Based on my personal participation in this investigation,
19 discussions with other investigating agents and other law
20 enforcement agencies, and interviews with reliable witnesses, I
21 am familiar with the facts and circumstances of this
22 investigation. The information set forth in this Affidavit
23 reflects my personal knowledge or has been provided to me by
24 other law enforcement officers, investigative analysts, and
25 agents with whom I have spoken, or whose reports I have reviewed.
26 As this Affidavit is submitted for the limited purpose of
27 demonstrating probable cause to support a complaint, I have not
28 included in this Affidavit all information known to me related to

1 this investigation and arrest.

2 I believe probable cause exists to support a complaint
3 charging Eric McDavid, Lauren Weiner, and Zachary Jenson with
4 conspiring to use fire or explosives to damage property, in
5 violation of 18 U.S.C. § 844(n).

6 **II. USE OF A CONFIDENTIAL SOURCE**

7 The investigation of Eric McDavid, Zachary Jenson, and
8 Lauren Weiner utilizes a Confidential Source ("CS") who is deeply
9 embedded within the subjects' cell. The CS has worked for the
10 FBI since early 2004. S/he has worked for no other agencies and
11 has no criminal history. The CS receives compensation for
12 his/her work with the FBI. The s/he has provided information
13 that has been utilized in at least twelve separate anarchist
14 cases. Since July 2005, the CS has provided information about
15 the subjects and their actions, and s/he has participated in
16 consensual audio and video monitoring, participated in-person
17 debriefs with law enforcement, and provided electronic summaries
18 of what s/he has witnessed. The CS's information has been
19 corroborated by law enforcement investigation, and his/her
20 information has proved accurate and reliable. S/he has agreed to
21 testify in court concerning illegal activity s/he has witnessed.
22 On December 22, 2005, the CS was granted authority to participate
23 in Tier 1 Otherwise Illegal Activity as part of his/her
24 involvement in the investigation of Eric McDavid, Zachary Jenson,
25 and Lauren Weiner.

26 **III. OVERVIEW OF THE INVESTIGATION AND SUBJECTS**

27 A. Background of the Earth Liberation Front ("ELF")

28 The ELF is a recognized eco-terrorist group that advocates

1 "direct action" (i.e. criminal activity) against targets
2 identified as contributing to the destruction/exploitation of the
3 Earth and its resources. The ELF is loosely-organized. "Cells"
4 comprised of a small number of individuals form independently.
5 These cells then carry out criminal actions on behalf of the ELF.
6 Environmental extremists under the ELF banner have been known to
7 use arson and/or explosives to damage or destroy or attempt to
8 damage or destroy government, commercial, and residential
9 facilities. Past targets include, but are not limited to, car
10 dealerships, housing developments, United States Forest Service
11 facilities, and facilities engaged in genetic engineering
12 research and development. Since 1997, estimates of damage
13 inflicted by ELF run in excess of \$100 million.

14 ELF adherents share a strong philosophical connection to the
15 anarchist movement. The anarchist movement seeks to end the
16 current system of government, economy and replace them with
17 systems characterized by a lack of authoritarian/hierarchical
18 relationships. A popular source of anarchist thought is
19 CrimethInc, an organization that publishes books and
20 instructional pamphlets that teach anarchist values and tactics.
21 *Evasion*, a popular CrimethInc book, describes the life of an
22 unnamed anarchist who travels by hitchhiking and train-hopping
23 and who subsists by shoplifting and foraging in dumpsters. The
24 *Evasion* lifestyle is emulated by many anarchists.

25 B. Eric McDavid

26 Eric McDavid, age 28, is an anarchist, known to friends and
27 associates within the anarchist movement by the alias, "D".
28 McDavid maintains no permanent residence; rather, he lives a

1 transient lifestyle, traveling often, by train-hopping and
2 hitchhiking, and living temporarily with friends and other
3 anarchists dispersed throughout the country. McDavid is
4 described by the CS as extremely cautious of law enforcement
5 surveillance. He does not use a cellular telephone. He
6 maintains no permanent residence. He travels by unconventional
7 means. He communicates by email but frequently changes his email
8 address. McDavid has written an article on security matters that
9 he has shared with his family and other anarchists. The article
10 allegedly offers instruction on how to act during encounters with
11 law enforcement officers.

12 McDavid was identified by the CS as an attendee at the
13 August 2004 CrimethInc convergence in Des Moines, IA. The
14 convergence, a meeting of anarchists from across the country, was
15 meant to be a staging point for travel to New York City, NY to
16 protest the Republican National Convention.

17 Beginning December 27, 2004, the FBI Joint Terrorism Task
18 Force (JTTF) investigated one arson and two attempted arsons by
19 the ELF. Notations spray-painted at the scene of the first
20 incident (an attempted arson at a housing development under
21 construction) included references to *Evasion*. Paint spilled on
22 the street at the same construction site spelled the letters,
23 "ELF". A letter sent to four Sacramento-area newspapers,
24 postmarked January 15, 2005, claimed responsibility for the first
25 two attempted arsons on behalf of the ELF. The body of the
26 letter contained numerous references to anarchist thought. The
27 letter was signed, "Agent Emma Goldman and the CrimethInc Senior
28 Officers of the Earth Liberation Front." Emma Goldman is a

1 popular historical figure in the anarchist movement.

2 Based upon the apparent connection of the above-described
3 arson/attempted arsons to the anarchist movement and Eric
4 McDavid's participation in the anarchist movement, the JTTF
5 attempted to interview McDavid on February 24, 2005 at his
6 parents' residence at 26800 Black Oak Ridge Road, Foresthill, CA.
7 Agents made contact with Eileen McDavid, his mother, who said
8 that Eric McDavid was traveling at the time, and she had no way
9 to contact him. She said that his mode of transportation is
10 hitchhiking.

11 Eric McDavid is an associate of Ryan Daniel Lewis, who was
12 convicted on October 14, 2005 on three counts of 18 U.S.C. §
13 844(i) for separate arson incidents. McDavid reported to the CS
14 that Lewis introduced him to anarchist thought. On August 31,
15 2005, FBI Joint Terrorism Task Force (JTTF) Agents interviewed
16 Lewis, who identified McDavid in a digital photo recovered from
17 the hard drive of Lewis' computer. Lewis further advised that
18 McDavid was a friend and had intentions to travel by hitchhiking
19 to protests at destinations around the country, including the
20 Presidential Inauguration in Washington, DC.

21 In June 2005, McDavid traveled to Philadelphia, PA to
22 protest the 2005 Biotechnology Industry Organization(BIO) annual
23 trade conference. The CS, who also attended the protest
24 activities, reported that McDavid offered training to other
25 anarchists on how to construct and use Molotov cocktails.
26 McDavid advocated violent protest and reported to the CS his
27 desire to kill a police officer, expressing his regret that he
28 was not involved in the physical altercation between protesters

1 and police that resulted in one officer's death. McDavid also
2 told the CS that his friends in California were under
3 investigation and that he had left in order to avoid becoming
4 involved.

5 In July 2005, McDavid traveled to Bloomington, IN to attend
6 a CrimethInc-organized convergence of anarchists. The
7 convergence offered entertainment, training, and an opportunity
8 to protest a nearby construction project. Shortly after the
9 event, McDavid spoke with the CS about his plans to engage in
10 criminal activity in support of his political beliefs. He
11 prefaced the disclosure of his plans by warning that if the CS
12 were working with law enforcement, he would kill him/her.

13 McDavid then described his plans to construct explosive devices
14 from household items and target various commercial and government
15 facilities. He intended to follow a recipe for explosives found
16 in an anarchist cookbook.

17 McDavid identified his targets as banks, commercial trucks,
18 mountaintop removal projects in West Virginia, Communist party
19 offices, and a facility in Placerville, CA engaged in the genetic
20 engineering of trees. This last target has been identified by
21 law enforcement as the United States Forest Service Institute of
22 Forest Genetics in Placerville, CA. McDavid explained that he
23 had not been involved in the arsons in Northern California for
24 which his friends, including Ryan Lewis, were arrested. He
25 criticized Ryan Lewis for performing direct-action in close
26 proximity to an established residence.

27 In August 2005, McDavid arrived in Philadelphia, PA to
28 attend an anarchist convergence called Pointless Fest. There, he

1 requested that the CS assist with his bombing plans by furnishing
2 a gas mask and a chemical equivalency list, which is a list that
3 translates chemicals necessary to build explosives into common
4 household items. McDavid also asked that the CS be present to
5 administer first aid, if necessary, while McDavid handled the
6 explosives. McDavid stated that he planned to commit the
7 bombings sometime in Spring 2006.

8 During Pointless Fest, McDavid invited Zachary Jenson and
9 Lauren Weiner to participate in his direct-action plans. Weiner
10 reported to the CS that she, Jenson, and McDavid intended to
11 spend the Christmas 2005 holiday with their respective families
12 and assemble in California in Winter 2005/2006 to make
13 preparations for a bombing campaign. Following the campaign,
14 they would go into hiding. Weiner described her role as taking
15 care of the details and Jenson's role as writing the
16 communication(s) to claim responsibility for the action(s).

17 C. Zachary Jenson

18 Zachary Jenson, age 20, is an anarchist and close associate
19 of Eric McDavid. Jenson, who goes by the alias "Ollie", is a
20 native of Monroe, WA, a suburb of Seattle, WA. He has
21 accompanied McDavid on travels to numerous destinations in the
22 United States, including the CrimethInc convergences in Des
23 Moines, IA and Bloomington, IN and the BIO 2005 protest in
24 Philadelphia, PA. Jenson has no permanent residence, having
25 adopted a transient lifestyle similar to that described in the
26 anarchist book, *Evasion*.

27 Jenson maintains a personal web page at
28 www.myspace.com/ollieaucksen. On the site, Jenson lists his

1 occupation as a "wanderer/drug addict" and identifies one of his
2 favorite books as *Days of War, Nights of Love* by CrimethInc.
3 This book contains a chapter-by-chapter description of anarchist
4 values and objectives. Jenson's site also contains several
5 journal entries in which Jenson documents his interactions with
6 McDavid. Information from Jenson's journal entries corroborates
7 reporting from the CS regarding McDavid and Jenson's travels.
8 According to journal entries on this site and another website
9 Jenson maintains, www.livejournal.com/jancazbru, McDavid and
10 Jenson have traveled to Washington, Oregon, California, Nevada,
11 Texas, Oklahoma, Florida, Pennsylvania, West Virginia, Indiana,
12 Tennessee, Missouri, and Colorado since February 2005. Their
13 most common means of transportation was hitchhiking and train-
14 hopping.

15 Jenson, like McDavid, is security conscious and is careful
16 not to disclose information on his website regarding his
17 politically-motivated illegal activity. In one journal entry,
18 Jenson recounts illegal activity he conducted somewhere in the
19 San Francisco Bay area. A verbatim text of the entry, dated May
20 21, 2005, reads as follows:

21 what happened friday night cant be told
22 here online. it can only be told in person,
23 so everyone back home will have to wait
24 because of security. imagine: music blaring,
25 kids running in the streets, dancing and shouting,
adrenaline surging, cops right behind us.
we ran fast. and you know what kind of tags
were left upon the concrete. yeah, you know.

26 The FBI JTTF has researched the above-described incident and
27 concluded that it took place at a protest in downtown Palo Alto,
28 CA. During this incident, dumpsters were moved and overturned in

1 the streets, store windows were broken, and graffiti was sprayed
2 on walls and sidewalks. Photos of the protest obtained through a
3 public source depicts an individual spray-painting the phrase,
4 "pandas are sexy" onto a sidewalk. Jenson's web pages contain
5 numerous references to pandas and the "panda house", Jenson's
6 name for his former residence at 20131 Forest Park Drive N.E.,
7 Shoreline, WA.

8 D. Lauren Weiner

9 Lauren Weiner, age 20, is an anarchist from Philadelphia, PA
10 who uses the aliases "Ren" and "Fireflie". She met Eric McDavid
11 and Zachary Jenson at the August 2004 CrimethInc convergence in
12 Des Moines, IA and hosted the two at her home while they were in
13 Philadelphia, PA to protest the BIO 2005 trade conference.
14 Weiner favors violent protest. She was present at the June 21,
15 2005 protest in Philadelphia during which protesters assaulted a
16 Philadelphia police officer, who later died. Weiner expressed
17 her support for the individuals who assaulted the officer. She
18 has also expressed her desire to conduct direct-action in the
19 Philadelphia area.

20 During September 24-25, 2005, Weiner attended protests in
21 Washington, DC of the World Bank. She also participated in skill
22 share classes with other anarchists to learn how to better
23 organize an anarchist collective and plan direct-action
24 campaigns.

25 **IV. SELECTED EVENTS SUPPORTING PROBABLE CAUSE**

26 I submit that the following events support a finding of
27 probable cause to believe that Eric Mc David, Lauren Weiner, and
28 Zachary Jenson conspired to damage or destroy property by fire or

1 explosive:

2 A. Reconnaissance of the USFS Institute for Forest Genetics

3 On January 10, 2006, surveillance agents observed the CS and
4 subjects as they traveled to Auburn, CA. The subjects conducted
5 Internet research of potential targets. The CS reported via text
6 message to an FBI agent that after finishing their research, the
7 group intended to perform reconnaissance of the Nimbus Dam and
8 the "tree thing". At approximately 1:37 p.m. that day, the car
9 containing the CS and subjects arrived at the California
10 Department of Fish and Game Region II Nimbus Fish Hatchery. At
11 approximately 3:23 p.m., the car was reported by surveillance
12 agents as parked outside the USFS Institute of Forest Genetics on
13 Carson Road in Placerville, CA. USFS agents followed their
14 movements as they entered the property and walked around the
15 grounds. The subjects were recorded on video surveillance, and
16 one USFS agent reported that one subject signed the guest
17 registry under a fictitious name. The subjects and CS left the
18 facility at approximately 3:48 p.m. After they departed, McDavid
19 told the group that human casualties resulting from their actions
20 would be acceptable, according to a report from the CS.

21 B. Purchase of Bleach at Wal-Mart

22 On January 9, 2006, surveillance agents observed the CS and
23 subjects as they traveled to various sites in Auburn, CA. During
24 their visit, the CS temporarily separated from the subjects and
25 met with an FBI agent. During this meeting, the CS advised that
26 the group, among other things, intended to obtain materials to
27 make a homemade explosive device from various grocery and
28 hardware stores and begin preparing the chemicals to be used in

1 the device on or about January 12, 2006 by following a recipe in
2 the book, *Poor Man's James Bond*.

3 In conversations conducted in the presence of the CS, and
4 observed by agents via consensual video and audio monitoring, the
5 subjects planned a trip to San Francisco, CA for the following
6 day. They expected to meet one of Jenson's friends during the
7 trip. Jenson urged the group to create an alibi for the meeting
8 so as to explain why they would be together. Weiner suggested
9 that they pose as farm workers. McDavid explained that they
10 would acquire materials for a device at some point during the
11 trip. Materials mentioned were potassium chloride, a hot plate,
12 and a car battery.

13 Agents observed Jenson and McDavid reading unknown
14 literature. As they read, they discussed bomb-making materials.
15 McDavid appeared to read aloud some of the materials needed for a
16 recipe he was following: beaker, hot plate, water hydrometer,
17 potassium chloride, jugs, bottle, petroleum jelly, ammonia, and
18 iodine. He explained to the group that material from this recipe
19 would need to be dried. Jenson emphasized the need for a timer
20 on the device to afford the group time to egress from the target
21 location before detonation. McDavid suggested the need for a
22 one-hour delay.

23 On January 11, 2006, surveillance agents observed the CS and
24 subjects as they traveled to San Francisco, CA. On the return
25 trip, they stopped at a Wal-Mart store at 3661 Truxel Rd,
26 Sacramento, CA. There, according to surveillance video and a
27 copy of the store receipt, the subjects purchased several items,
28 including bleach and a car battery.

1 C. The Subjects Cook Bleach and Further Discuss Their
2 Targets

3 On January 12, 2006, the subjects visited several stores in
4 Auburn, CA, including a Kmart, Long's Drug, and BelAir. McDavid
5 was observed carrying a plastic bag as he exited the Long's Drug
6 Store. The CS reported to an FBI agent via text message that the
7 subjects had purchased items specifically for use in producing
8 explosive materials. After they returned from shopping, they
9 spent approximately one and one half hours on the porch of 33070
10 Main Street cooking bleach. During this process, the glass bowl
11 containing the bleach broke. At which point, the group stopped
12 the process and returned inside the cabin.

13 While in the cabin, and in the presence of the CS, agents
14 observed via consensual audio and video recording, the subjects
15 as they discussed targets. Jenson said he was concerned about
16 targeting four separate targets and suggested focusing on one.
17 His statement provoked a discussion among the group about what
18 facility to target. McDavid said he wanted to target the USFS
19 Institute of Forest Genetics ("IFG") because of its involvement
20 in genetic engineering. Weiner stated that she preferred to
21 target a facility that affects more people instead of something
22 remote. McDavid concluded that he is flexible and willing to
23 take suggestions from the group, that a cellular telephone tower
24 could be the target, but he wanted the IFG to represent a
25 fallback target. After being asked, Jenson responded that his
26 preferred target is a power station, Weiner's is a cellular
27 telephone tower. Weiner expressed her desire to create a state
28 of martial law and undermine corporations.

1 When planning for the next day's activities, they discussed
2 possibly testing an incendiary device at an unspecified remote
3 location. They also discussed purchasing glassware for heating
4 bleach. McDavid asked the CS if s/he had seen the white
5 crystals. He explained that if they had a bigger tray, they
6 would be able to produce more crystals. The group agreed to
7 compose a list of materials to purchase the following day and to
8 separate into groups of two to make the purchase.

9 D. Purchase of Additional Materials from Kmart

10 On January 13, 2006, surveillance agents observed the
11 subjects and the CS in the Kmart on Bell Road in Auburn, CA. The
12 agents observed the subjects, not the CS, carry bags of items
13 from the Kmart to the CS's car. In a search subsequent to a
14 lawful arrest, agents determined that the subjects had purchased
15 respirator masks, rubber gloves, bleach, glass cleaner, and
16 glassware.

17 E. The "Burn Book"


18 On January 13, 2006, subsequent to his arrest, agents
19 discovered a pocket-sized notebook on the person of Eric McDavid.
20 The book contained a hand-drawn diagram of what appeared to be
21 the grounds of the USFS IFG facility in Placerville, CA, and the
22 notebook also contained the address of the IFG. The notebook
23 also contained hand-drawn diagrams of what appeared to be pipe
24 bombs, as well as lists of ingredients for creating homemade
25 explosives. According to the CS, the subjects called the
26 notebook the "burn book" because they agreed to burn it later.

27 **V. CONCLUSION**


28 Based on the facts set forth in this Affidavit, I contend

1 that probable cause exists to charge Eric McDavid, Zachary
2 Jenson, and Lauren Weiner with conspiring to use fire or
3 explosives to damage property, in violation of Title 18 U.S.C.
4 § 844(n).

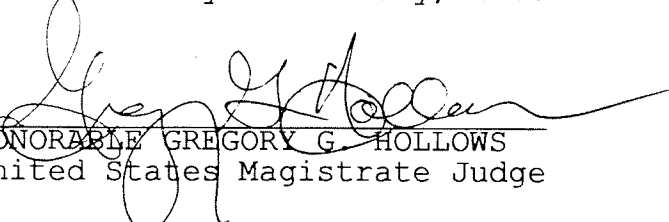
5 I declare under penalty of perjury under the laws of the
6 United States of America that the foregoing is true and correct
7 to the best of my knowledge.

8
9 
10 NASSON WALKER
Special Agent
Federal Bureau of Investigation

11 Read and approved as to form

12
13 
14 ELLEN V. ENDRIZZI
Assistant U.S. Attorney

15
16 Subscribed and sworn to before me
17 this 13th day of January, 2006

18
19 
20 HONORABLE GREGORY G. HOLLOWS
United States Magistrate Judge