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2 all of you agreeing on a particular overt act
3 that you find was committed.

4 IV. PROSECUTION CASE-IN-CHIEF

5 On April 20, 1989, the Headquarters Office of the Clearwater
6 National Forest received a letter postmarked from Missoula,
7 Montana. Portions of the letter read "This letter is being sent to
8 you to notify you that the Post Office Sale in Idaho has been
9 spiked heavily."

10 The Post Office Timber Sale is located along Highway 12
11 approximately 14 miles southwest of Powell, Idaho. The sale
12 location was scheduled to be selectively cut with the removal of
13 old growth timber by helicopters. The helicopter logging would
14 minimize the impact on the surface resources, as well as the
15 watershed.

16 Pete Deane from the Clearwater National Forest went to the
17 sale location on April 23, 1989. Deane confirmed that the sale had
18 been "spiked" by placing bridge construction-type spikes in various
19 locations of the trees. In addition, Deane observed various
20 writings and logos on the trees, such as "Idaho EF," "Abbey lives
21 on," and "Earth First."

22 Special Agent Michael Merkley of the Clearwater National
23 Forest was assigned to conduct a criminal investigation.

24 A survey of the sale area was conducted by the Forest Service
25 to determine the number of trees spiked. The results of the survey
26 were as follows:

<u>Unit No.</u>	<u>No. of Trees</u>	<u>No. of Spikes</u>
2	93	102
9	76	123
10	<u>115</u>	<u>115</u>
Total	284	340

Special Agent Merkley collected various evidence at the sale area. The agent subsequently obtained Grand Jury subpoenas for exemplars from various individuals who were believed to be involved in the spiking. A search warrant was also executed at a residence in Missoula, Montana. However, the criminal investigation did not develop any substantial evidence as to the identity of the individuals involved in the spiking.

On December 11, 1992, Brian Castaldi, a Special Agent with the United States Forest Service, was contacted by Guenevere Lilburn. She advised Agent Castaldi that John P. Blount had spiked the Post Office Timber Sale in Idaho in 1989. Lilburn stated that she had decided to come forward at this time because she had been physically assaulted by Blount.

Lilburn stated that Tracy Stone-Manning mailed the letter notifying the Forest Service of the spiking. She also stated that Blount was accompanied on the first spiking trip by Jeffrey C. Fairchild, Arvid Hartley and Neil McLain.

Tracy Stone-Manning will establish that in April of 1989 Blount and Fairchild gave her a letter stating that trees had been spiked in Idaho and requested that she mail the letter to the Forest Service. Stone-Manning re-typed the letter and mailed it to the Forest Service from Missoula, Montana. Daniel A. LaCrosse

1 later stated to Stone-Manning that Blount was angry that the letter
2 was postmarked from Missoula.

3 Arvid Hartley will establish that in the spring of 1989 Blount
4 approached him concerning the spiking of the Post Office Creek
5 Sale. Hartley assisted Blount, Fairchild and Neil McLain in
6 spiking trees at the Post Office Creek Sale in March of 1989. The
7 purpose of the spiking was to obstruct or harass the harvesting of
8 the timber. Hartley will further establish that Blount talked
9 about obtaining funds for the spiking from the Earth First Direct
10 Action Fund.

11 Neil McLain will establish that Blount also approached him
12 about spiking the timber sale. McLain agreed to go, and traveled
13 with Blount, Fairchild and Hartley to the sale area. All of them
14 participated in the spiking.

15 After Blount and Fairchild returned to Missoula, they decided
16 that they should return to the sale area to spike additional trees.
17 LaCrosse participated in discussions with Blount concerning the
18 second spiking trip. LaCrosse went on the second trip in order to
19 verify that money provided by the Direct Action Fund had been used
20 as intended.

21 Lilburn observed Blount, Fairchild and LaCrosse load spiking
22 materials into the vehicle of LaCrosse. After returning from the
23 second spiking, they stored the materials remaining from the trip,
24 including paint, nails and hammers, at the residence of Lilburn.
25 Blount, Fairchild and LaCrosse discussed the success of their trip.
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