

50-528/529/530  
50-275/323

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MARK LESLIE DAVIS, aka Iisaw, )  
MARGARET KATHERINE MILLETT, aka )  
Peggy Millett, DAVID WILLIAM )  
FOREMAN, aka Ned Ludd, MARC )  
ANDRE BAKER and ILSE WASHINGTON )  
ASPLUND, )  
 )  
Defendants. )

NO. CR-90-192-PHX

S E C O N D  
S U P E R S E D I N G  
I N D I C T M E N T

VIO: 18 U.S.C. § 371  
(Conspiracy)  
Count I

18 U.S.C. § 844(i)  
(Malicious Destruction  
of Property)  
Counts II, V, and VI

18 U.S.C. § 1366  
(Destruction of  
Property of an Energy  
Facility)  
Counts III and IV

18 U.S.C. § 1361  
(Depredation of  
Government Property)  
Count VII

18 U.S.C. § 2  
(Aiding and Abetting)

THE GRAND JURY CHARGES:

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COUNT I

At all times material to this indictment:

1. MARK LESLIE DAVIS was a resident of Prescott, Arizona, used the alias "Iisaw" and identified himself as the "spokesperson" for an organization he called "EMETIC."

2. MARGARET KATHERINE MILLETT, also known as Peggy Millett, was a resident of Palace Station, Arizona, near Prescott, Arizona.

3. DAVID WILLIAM FOREMAN, was a resident of Tucson, Arizona and used the alias "Ned Ludd."

4. MARC ANDRE BAKER was a resident of Prescott, Arizona.

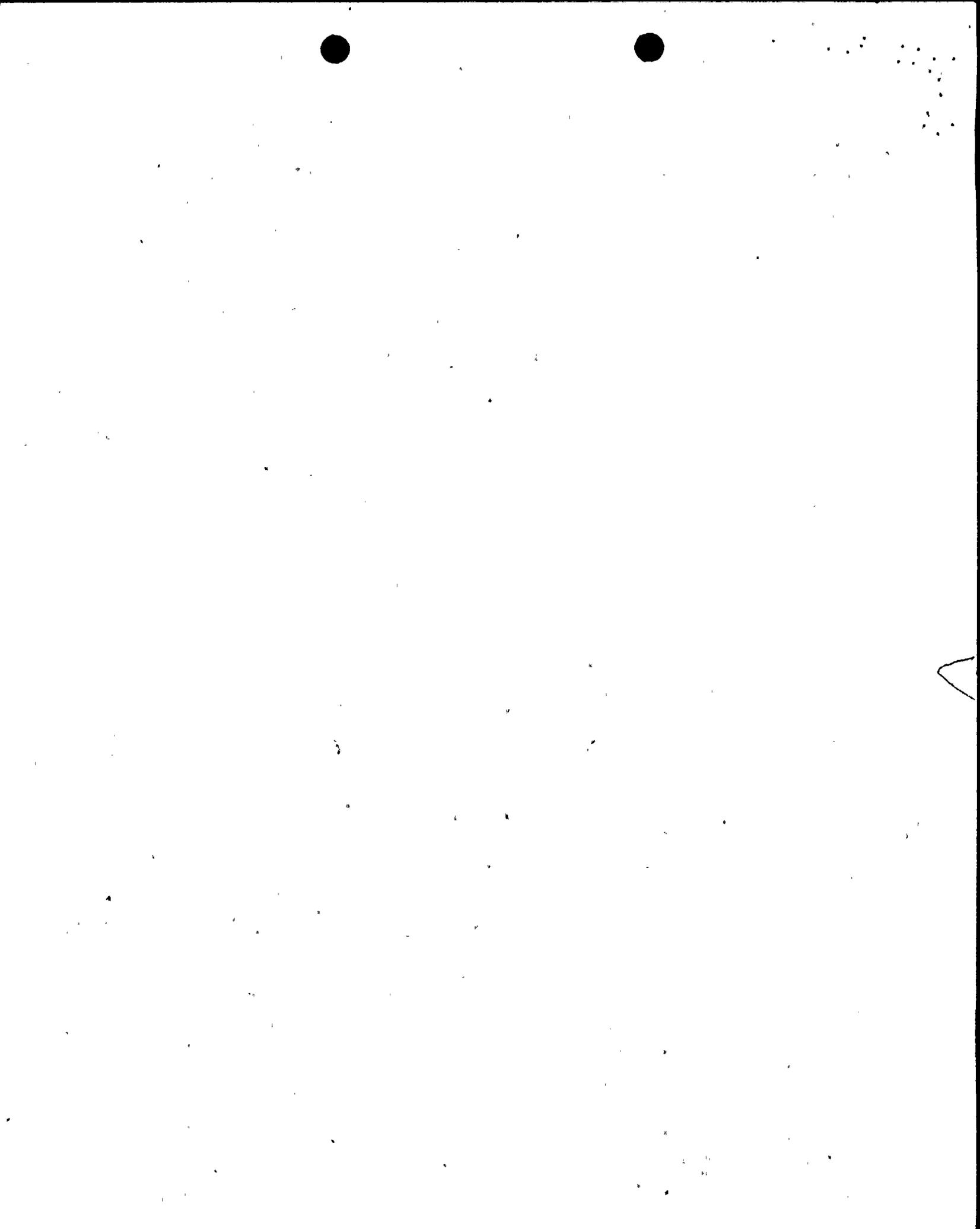
5. ILSE WASHINGTON ASPLUND was a resident of Prescott, Arizona.

6. The Fairfield Snowbowl ski resort is a privately-owned ski resort located on the San Francisco Peaks in Coconino County, Arizona.

7. The Canyon Uranium Mine is a mine which is anticipated to produce uranium ore and located approximately thirteen (13) miles south of the South Rim of the Grand Canyon in Coconino County, Arizona.

8. Palo Verde Nuclear Generating Station of Arizona is a nuclear power plant licensed under the Atomic Energy Act and is located approximately forty (40) miles west of Phoenix, Arizona. It is regulated by the Nuclear Regulatory Commission of the United States Government.

9. Diablo Canyon Nuclear Generating Facility of California is a nuclear power plant licensed under the Atomic Energy Act and



1 is located near San Luis Obispo, California. It is regulated by  
2 the Nuclear Regulatory Commission of the United States Government.

3  
4 10. Rocky Flats Nuclear Facility of Colorado is a weapons  
5 production facility operated by the United States Department of  
6 Energy on behalf of the United States Department of Defense. It  
7 is located near Boulder, Colorado.

8 11. Central Arizona Project supplies water through a canal  
9 system to the state of Arizona. It is owned by the United States  
10 Government through the United States Bureau of Reclamation.

11 THE CONSPIRACY AND ITS OBJECTS

12 12. Commencing on or about October 5, 1987, and up to and  
13 including on or about May 30, 1989, within the District of Arizona  
14 and elsewhere, defendants:

15 MARK LESLIE DAVIS, aka Iisaw,  
16 MARGARET KATHERINE MILLETT, aka Peggy  
17 Millett,  
DAVID WILLIAM FOREMAN, aka Ned Ludd,  
MARC ANDRE BAKER  
ILSE WASHINGTON ASPLUND

18 and other unindicted co-conspirators willfully and knowingly  
19 combined, conspired, confederated and agreed with each other to:

20 a. Defraud the United States by impairing, impeding,  
21 obstructing and defeating lawful governmental functions of the  
22 United States, that is, the United States Bureau of Reclamation,  
23 the United States Department of Energy, the United States Depart-  
24 ment of the Interior and the United States Department of Defense;





1  
2 b. Commit an offense against the United States, that is,  
3 destruction of the property of an energy facility, in violation of  
4 Title 18, United States Code, Section 1366(a) and (b);

5 c. Commit an offense against the United States, that is,  
6 destruction and damage of facilities licensed under the Atomic  
7 Energy Act, in violation of Title 42, United States Code, Section  
8 2284;

9 d. Commit an offense against the United States, that is,  
10 malicious destruction of property by means and use of fire, in  
11 violation of Title 18, United States Code, Section 844(i);

12 e. Commit an offense against the United States, that is,  
13 depredation of government property, in violation of Title 18,  
14 United States Code, Section 1361.

15 PURPOSE, MEANS AND METHODS

16 13. The purpose of the conspiracy was to perpetrate the  
17 illegal sabotage of equipment and facilities. This purpose was to  
18 be accomplished by the means and methods following:

19 a. It was a part of this conspiracy that the defendants  
20 would identify as targets of illegal sabotage equipment and  
21 facilities.

22 b. It was a part of this conspiracy that the defendants  
23 would devise the means by which the illegal acts of sabotage would  
24 be perpetrated.

25 c. It was a part of this conspiracy that the defendants  
26 would obtain funding for the purchase of supplies and equipment  
necessary to carry out their illegal sabotage.



1  
2 d. It was a part of this conspiracy that the defendants  
3 would obtain the supplies and equipment necessary to carry out  
4 their illegal sabotage.

5 e. It was a part of this conspiracy that the defendants  
6 would carry out the illegal sabotage against the previously  
7 identified equipment and facilities.

8 f. It was a part of this conspiracy that the defendants  
9 would devise alibis and other means of concealment in order to  
10 avoid detection and subsequent prosecution for their actions.

11 g. It was a part of this conspiracy that the defendants  
12 would direct communications to various media outlets through which  
13 the defendants would claim responsibility for their acts of illegal  
14 sabotage.

15 OVERT ACTS

16 14. The grand jury further charges that, at the times and at  
17 the places hereinafter named, in furtherance of and to effect the  
18 objects, purposes, means and methods of the conspiracy, the  
19 defendants caused and performed the following overt acts in the  
20 District of Arizona and elsewhere.

21 a. On or about October 5, 1987, MARK LESLIE DAVIS, aka  
22 Iisaw, and MARGARET KATHERINE MILLETT, aka Peggy Millett, and an  
23 unindicted co-conspirator on behalf of themselves and other co-  
24 conspirators, used a propane-and-oxygen cutting torch to illegally  
25 cut through bolts which anchored 12 pylons supporting the main  
26 cable chair lift at the Fairfield Snowbowl ski resort.



1  
2 b. On or about October 6, 1987, MARK LESLIE DAVIS, aka  
3 Iisaw, on behalf of himself and other co-conspirators, caused a  
4 letter to be directed to a newspaper in Flagstaff, Arizona, in  
5 which he claimed responsibility for the illegal sabotage of the  
6 cable chair lift of the Fairfield Snowbowl Ski Resort on behalf of  
7 the "Evan Mecham Eco-Terrorist International Conspiracy,"  
8 abbreviated EMETIC.

9 c. On or about March 23, 1988, MARK LESLIE DAVIS, aka  
10 Iisaw, on behalf of himself and other co-conspirators, prepared a  
11 diagram of his intended placement of explosives on the headframe  
12 of the Canyon Uranium Mine which DAVIS identified to a cooperating  
13 witness as EMETIC's next target of illegal sabotage.

14 d. On or about April 15, 1988, MARK LESLIE DAVIS, aka  
15 Iisaw, on behalf of himself and other co-conspirators, inspected  
16 the Canyon Uranium Mine and its headframe in preparation for a  
17 later act of illegal sabotage.

18 e. On or about July 2, 1988, DAVID WILLIAM FOREMAN, aka  
19 Ned Ludd, on behalf of himself and other co-conspirators, to  
20 encourage acts of illegal sabotage, furnished a cooperating witness  
21 with two copies of a book edited by Dave Foreman and Bill Haywood,  
22 and published by Ned Ludd Books.

23 f. On or about September 15, 1988, MARGARET KATHERINE  
24 MILLETT, aka Peggy Millett, and ILSE WASHINGTON ASPLUND, on behalf  
25 of themselves and other co-conspirators, inspected the Canyon  
26 Uranium Mine, in preparation for a later act of illegal sabotage.



1  
2 g. On or about September 22, 1988, MARGARET KATHERINE  
3 MILLETT, aka Peggy Millett, on behalf of herself and other co-  
4 conspirators, solicited the participation of an individual who was  
5 also an undercover law enforcement agent in the planned illegal  
6 destruction of power poles and electrical lines serving the Canyon  
7 Uranium Mine.

8 h. On or about September 25, 1988, MARK LESLIE DAVIS, aka  
9 Iisaw, MARGARET KATHERINE MILLETT, aka Peggy Millett, MARC ANDRE  
10 BAKER and ILSE WASHINGTON ASPLUND, on behalf of themselves and  
11 other co-conspirators, used a saw to illegally partially cut  
12 through twenty-nine (29) wooden power poles which supported  
13 electrical lines serving the Canyon Uranium mine causing two of the  
14 poles to topple with an ensuing power outage.

15 i. On or about September 27, 1988, MARK LESLIE DAVIS, aka  
16 Iisaw, on behalf of himself and other co-conspirators, caused a  
17 letter to be directed to a newspaper in Flagstaff, Arizona, in  
18 which he claimed responsibility for the illegal sabotage of the  
19 power poles serving the Canyon Uranium Mine on behalf of EMETIC.

20 j. On or about October 20, 1988, MARGARET KATHERINE  
21 MILLETT, on behalf of herself and other co-conspirators, furnished  
22 an individual who was also an undercover law enforcement agent with  
23 a copy of a book edited by Dave Foreman and Bill Haywood, and  
24 published by Ned Ludd Books to assist the agent in learning  
25 techniques of preparing untraceable letters.

26 k. On or about October 25, 1988, MARK LESLIE DAVIS, aka  
Iisaw, and MARC ANDRE BAKER, on behalf of themselves and other co-





1 conspirators, used a propane-and-oxygen cutting torch to illegally  
2 cut around the circumference of the base of the top pylon  
3 supporting the main cable chair lift of the Fairfield Snowbowl ski  
4 resort located on the San Francisco Peaks in Coconino County,  
5 Arizona.

6  
7 1. On or about October 26, 1988, MARK LESLIE DAVIS, aka  
8 Iisaw, on behalf of himself and other co-conspirators, caused a  
9 letter to be directed to a newspaper in Flagstaff, Arizona in which  
10 he claimed responsibility for the illegal sabotage of the chair  
11 lift on behalf of EMETIC.

12 m. On or about December 8, 1988, MARGARET KATHERINE  
13 MILLETT, aka Peggy Millett, on behalf of herself and other co-  
14 conspirators, met with an individual who was an undercover law  
15 enforcement agent and solicited his participation in "a plan afoot  
16 to get maybe five different nuclear power plants simultaneous where  
17 the power going in and the power going out is cut off."

18 n. On or about January 3, 1989, MARK LESLIE DAVIS, aka  
19 Iisaw, on behalf of himself and other co-conspirators, solicited  
20 from a cooperating witness the chemical formula to manufacture  
21 thermite, an incendiary device, which the defendants would use to  
22 illegally sever the supports to the high voltage electrical  
23 transmission towers and lines serving nuclear energy facilities.

24 o. On or about January 5, 1989, MARGARET KATHERINE  
25 MILLETT, aka Peggy Millett, on behalf of herself and other co-  
26 conspirators, solicited from an individual who was an undercover  
law enforcement agent the chemical formula to manufacture thermite,



1 which the defendants would use to illegally sever the supports to  
2 the high voltage electrical transmission towers and lines serving  
3 nuclear energy facilities.

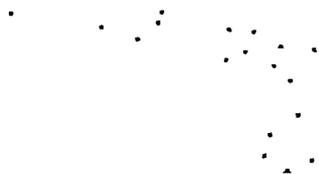
4 p. On or about January 14, 1989, MARK LESLIE DAVIS, aka  
5 Iisaw, on behalf of himself and other co-conspirators, met with a  
6 cooperating witness to discuss thermite production regarding an  
7 illegal plan "to hit as many of the nuclear power plants on the  
8 west coast and Palo Verde as we can, drop all the lines going in  
9 and out of them."

10 q. On January 23, 1989, MARK LESLIE DAVIS, aka Iisaw, on  
11 behalf of himself and other co-conspirators, met with a cooperating  
12 witness to discuss methods of illegally sabotaging the high voltage  
13 electrical transmission towers and lines serving the Palo Verde  
14 Nuclear Generating Facility of Arizona, the Diablo Canyon Nuclear  
15 Generating Facility of California and the Rocky Flats Nuclear  
16 Facility of Colorado.

17 r. On or about January 30, 1989, MARK LESLIE DAVIS, aka  
18 Iisaw, on behalf of himself and other co-conspirators, met with a  
19 cooperating witness to inquire about the price of thermite  
20 grenades.

21 s. On February 10, 1989, MARK LESLIE DAVIS, aka Iisaw,  
22 on behalf of himself and other co-conspirators, placed an order  
23 for 100 thermite grenades with a cooperating witness.

24 t. On or about February 26, 1989, MARK LESLIE DAVIS, aka  
25 Iisaw, met with DAVID WILLIAM FOREMAN, aka Ned Ludd, on behalf of  
26 themselves and other co-conspirators, to discuss the source of



1 funds for the purchase of supplies and equipment to be used to  
2 illegally sabotage nuclear facilities.

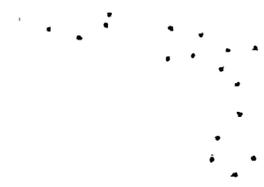
3 u. On or about March 6, 1989, MARK LESLIE DAVIS, aka  
4 Iisaw, ILSE WASHINGTON ASPLUND, and MARGARET KATHERINE MILLETT, aka  
5 Peggy Millett, on behalf of themselves and other co-conspirators,  
6 met to discuss strategy and funding regarding the illegal sabotage  
7 of nuclear facilities.

8 v. On or about March 29, 1989, MARK LESLIE DAVIS, aka  
9 Iisaw, met with DAVID WILLIAM FOREMAN, aka Ned Ludd, on behalf of  
10 themselves and other co-conspirators, in Tucson, Arizona, to obtain  
11 funds for equipment and supplies for the illegal sabotage of high  
12 voltage electrical transmission towers and lines.

13 w. On or about March 29, 1989, DAVID WILLIAM FOREMAN, aka  
14 Ned Ludd, gave MARK LESLIE DAVIS, aka Iisaw, \$580.00 to be used,  
15 on behalf of themselves and other co-conspirators, to acquire  
16 equipment and materials to illegally sabotage high voltage  
17 electrical transmission towers and lines.

18 x. On or about March 29, 1989, MARK LESLIE DAVIS, aka  
19 Iisaw, on behalf of himself and other co-conspirators, obtained  
20 from an unindicted co-conspirator a list which contained names of  
21 individuals, who might assist with the illegal sabotage of Rocky  
22 Flats Nuclear Facility of Colorado.

23 y. On or about March 31, 1989, MARK LESLIE DAVIS, aka  
24 Iisaw, using funds obtained from DAVID WILLIAM FOREMAN, aka Ned  
25 Ludd, on March 29, 1989, on behalf of himself and other co-  
26



1 conspirators, purchased a certified check for \$500 from Valley  
2 National Bank in Prescott, Arizona.

3 z. On or about March 31, 1989, MARK LESLIE DAVIS, aka  
4 Iisaw, on behalf of himself and other co-conspirators, mailed the  
5 aforementioned certified check for \$500 to a cooperating witness  
6 as payment for 50 thermite grenades.

7 aa. On or about April 25, 1989, MARK LESLIE DAVIS, aka  
8 Iisaw, on behalf of himself and other co-conspirators, inspected  
9 the high voltage power electrical transmission towers and lines  
10 serving Diablo Canyon Nuclear Generating Facility of California in  
11 preparation for later acts of illegal sabotage.

12 bb. On or about April 25, 1989, MARK LESLIE DAVIS, aka  
13 Iisaw, on behalf of himself and other co-conspirators, attempted  
14 to gain entry to the Diablo Canyon Nuclear Generating Facility of  
15 California in preparation for later acts of illegal sabotage.

16 cc. On or about May 5, 1989, DAVID WILLIAM FOREMAN, aka  
17 Ned Ludd, on behalf of himself and other co-conspirators, met with  
18 an undercover law enforcement agent to discuss methods by which to  
19 illegally sabotage high voltage electrical transmission towers and  
20 lines.

21 dd. On or about May 5, 1989, DAVID WILLIAM FOREMAN, aka  
22 Ned Ludd, on behalf of himself and other co-conspirators, instruct-  
23 ed an individual who was also an undercover law enforcement agent  
24 regarding the illegal sabotage of high voltage transmission towers  
25 and lines.





1  
2 ee. On or about May 5, 1989, DAVID WILLIAM FOREMAN, aka  
3 Ned Ludd, on behalf of himself and other co-conspirators, directed  
4 an individual who was also an undercover law enforcement agent to  
5 review a book, edited by Dave Foreman and Bill Haywood and  
6 published by Ned Ludd Books, in order to obtain detailed instruc-  
7 tions regarding the illegal sabotage of "power lines."

8 ff. On or about May 5, 1989, DAVID WILLIAM FOREMAN, aka  
9 Ned Ludd, on behalf of himself and other co-conspirators, suggested  
10 to an individual who was also an undercover law enforcement agent  
11 that the preferred method for illegal sabotage of high voltage  
12 electrical transmission towers and lines would be to unfasten the  
13 nuts from the bolts which connect the supports for the towers.

14 gg. On or about May 5, 1989, DAVID WILLIAM FOREMAN, aka  
15 Ned Ludd, on behalf of himself and other co-conspirators, indicated  
16 to an individual who was also an undercover law enforcement agent  
17 that he would see what he could do to obtain additional funding to  
18 purchase cutting torches and equipment.

19 hh. On or about May 7 and May 8, 1989, MARK LESLIE DAVIS,  
20 aka Iisaw, on behalf of himself and other co-conspirators, obtained  
21 a propane cylinder and an oxygen cylinder to be used as fuel and  
22 oxidizer with cutting torches in later acts of illegal sabotage.

23 ii. On May 13, 1989, DAVID WILLIAM FOREMAN, aka Ned Ludd,  
24 on behalf of himself and other co-conspirators, instructed an  
25 individual who was also an undercover law enforcement agent to meet  
26 with an unindicted co-conspirator to obtain money to finance the



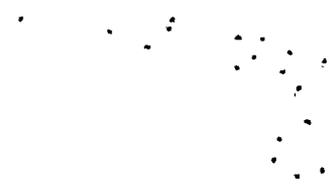
1 purchase of equipment and supplies to illegally sabotage high  
2 voltage electrical transmission towers and lines.

3  
4 jj. On or about May 13, 1989, DAVID WILLIAM FOREMAN, aka  
5 Ned Ludd, on behalf of himself and other co-conspirators, provided  
6 \$100.00 through an unindicted co-conspirator to an individual who  
7 was also an undercover law enforcement agent to be used to finance  
8 the purchase of equipment and supplies to illegally sabotage high  
9 voltage electrical transmission towers and lines.

10 kk. On or about May 14, 1989, DAVID WILLIAM FOREMAN, aka  
11 Ned Ludd, discussed with MARK LESLIE DAVIS, aka Iisaw, on behalf  
12 of themselves and other co-conspirators, the illegal sabotage of  
13 high voltage electrical transmission towers and lines and the  
14 significance of these acts as a trial run prior to the planned  
15 attack on nuclear facilities in the Western United States of  
16 America.

17 ll. On or about May 14, 1989, ILSE WASHINGTON ASPLUND and  
18 MARK DAVIS, aka Iisaw, on behalf of themselves and other  
19 co-conspirators, devised an alibi to be used in the event that MARK  
20 DAVIS became suspected of illegally sabotaging the high voltage  
21 electrical transmission towers and lines.

22 mm. Prior to May 30, 1989, MARK LESLIE DAVIS, aka Iisaw,  
23 on behalf of himself and other co-conspirators, prepared a draft  
24 of a letter acknowledging the responsibility of EMETIC for the  
25 planned illegal sabotage of "nuclear energy installations" in the  
26 Western United States.



1  
2 nn. On or about May 30, 1989, MARK LESLIE DAVIS, aka  
3 Iisaw, MARGARET KATHERINE MILLETT and MARC ANDRE BAKER, on behalf  
4 of themselves and other co-conspirators, attempted to destroy a  
5 high voltage electrical transmission tower and line serving a  
6 Central Arizona Project (CAP) pumping station, in order to refine  
7 techniques and procedures for later commission of acts of illegal  
8 sabotage on high voltage electrical transmission towers and lines  
9 serving nuclear facilities.

10 All in violation of Title 18, United States Code, Section 371  
11 and Section 2.

12 COUNT II

13 On or about October 5, 1987, in the District of Arizona, MARK  
14 LESLIE DAVIS, aka Iisaw, MARGARET KATHERINE MILLETT, aka Peggy  
15 Millett, and ILSE WASHINGTON ASPLUND did maliciously damage and  
16 destroy by means of fire, by use of a cutting torch, support pylons  
17 serving the main cable chair lift of the Fairfield Snowbowl ski  
18 resort, those pylons being personal property used in interstate  
19 commerce and in an activity affecting interstate commerce.

20 In violation of Title 18, United States Code, Sections 844(i)  
21 and 2.

22 COUNT III

23 On or about September 25, 1988, in the District of Arizona,  
24 MARK LESLIE DAVIS, aka Iisaw, MARGARET KATHERINE MILLETT, aka Peggy  
25 Millett, MARC ANDRE BAKER and ILSE WASHINGTON ASPLUND and DAVID  
26 WILLIAM FOREMAN aka Ned Ludd did knowingly and willfully damage the  
property of an energy facility, to wit, approximately 29 electrical



1 power transmission poles leading to the Canyon Uranium Mine, the  
2 damage causing significant interruption and impairment of a  
3 function of the transmission lines.

4 In violation of Title 18, United States Code, Section 1366(a)  
5 and 2.

6 COUNT IV

7 On or about September 25, 1988, in the District of Arizona,  
8 MARK LESLIE DAVIS, aka Iisaw, MARGARET KATHERINE MILLETT, aka Peggy  
9 Millett, MARC ANDRE BAKER and ILSE WASHINGTON ASPLUND and DAVID  
10 WILLIAM FOREMAN aka Ned Ludd did knowingly and willfully damage the  
11 property of an energy facility, to wit, approximately 29 electrical  
12 power transmission poles and lines providing service to the Canyon  
13 Uranium Mine, said damage being in an amount in excess of \$5000.

14 In violation of Title 18, United States Code, Section 1366(b)  
15 and 2.

16 COUNT V

17 On or about October 25, 1988, MARK LESLIE DAVIS, aka Iisaw,  
18 MARGARET KATHERINE MILLETT, aka Peggy Millett, MARC ANDRE BAKER and  
19 ILSE WASHINGTON ASPLUND and DAVID WILLIAM FOREMAN aka Ned Ludd did  
20 maliciously attempt to damage and destroy by means of fire, by use  
21 of a cutting torch, a support pylon serving the main cable chair  
22 lift of the Fairfield Snowbowl ski resort, the pylon being personal  
23 property used in interstate commerce and in an activity affecting  
24 interstate commerce.

25 In violation of Title 18, United States Code, Sections 844(i)  
26 and 2.





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COUNT VI

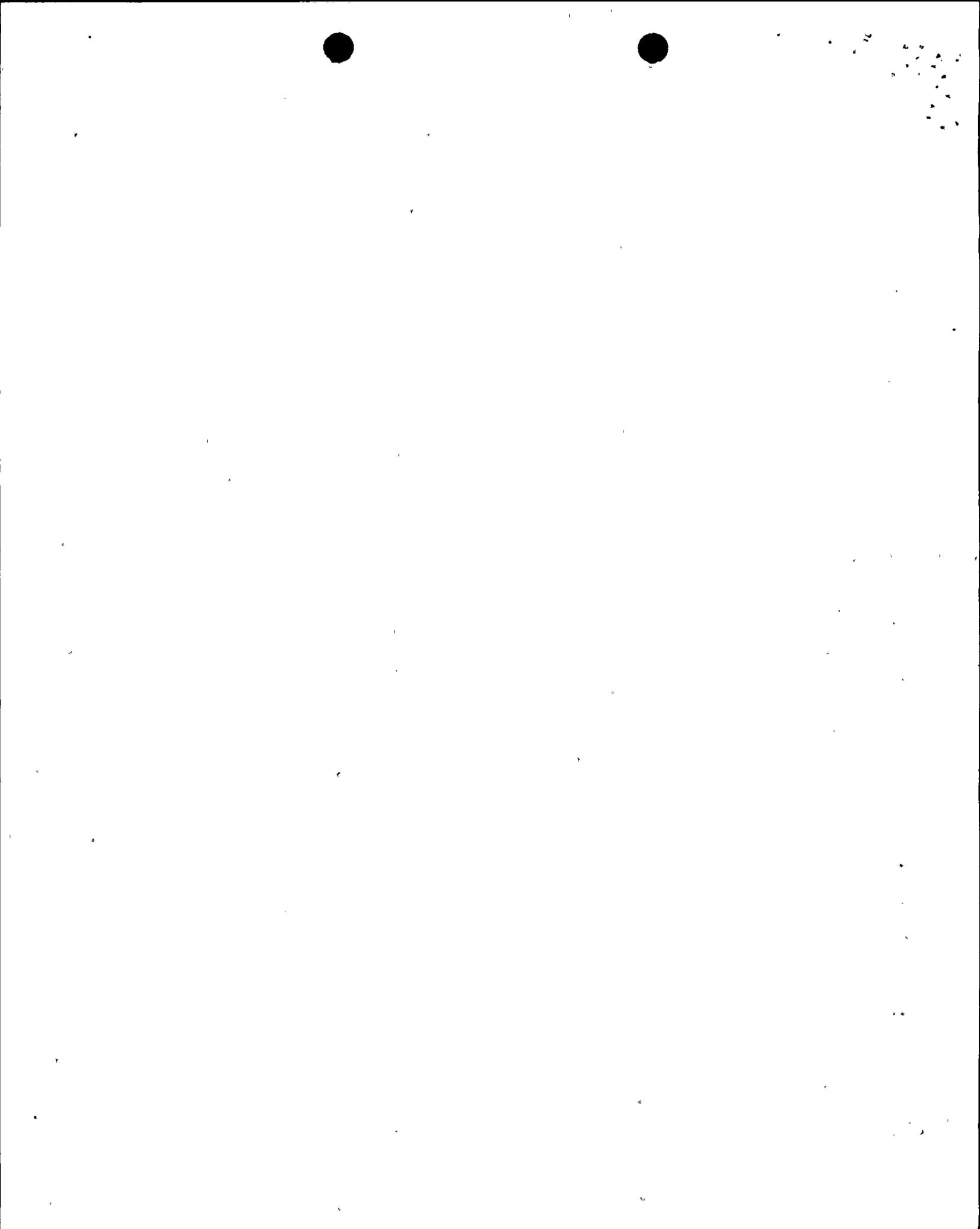
On or about May 30, 1989, in the District of Arizona, MARK LESLIE DAVIS, aka Iisaw, MARGARET KATHERINE MILLETT, aka Peggy Millett, DAVID WILLIAM FOREMAN, aka Ned Ludd, MARC ANDRE BAKER and ILSE WASHINGTON ASPLUND did maliciously attempt to damage and destroy by means of fire, by use of a cutting torch, an electrical transmission tower, which was personal property used in interstate commerce and in an activity affecting interstate commerce.

In violation of Title 18, United States Code, Sections 844(i) and 2.

COUNT VII

On or about May 30, 1989, in the District of Arizona, MARK LESLIE DAVIS, aka Iisaw, MARGARET KATHERINE MILLETT, aka Peggy Millett, DAVID WILLIAM FOREMAN, aka Ned Ludd, MARC ANDRE BAKER and ILSE WASHINGTON ASPLUND did willfully injure and commit depredation in a sum exceeding \$100.00 against property of the United States and United States governmental agency, to wit, an electrical transmission tower.

In violation of Title 18, United States Code, Sections 1361 and 2.



A TRUE BILL

*Martin J. Rock*

FOREMAN OF THE GRAND JURY

Date:

*Dec 13 '90*

LINDA A. AKERS  
United States Attorney  
District of Arizona

*[Signature]*  
Assistant U.S. Attorney

*Wm A. Abrams*  
Assistant U.S. Attorney

